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SERIES I No. 1

# OFFICIAL GOVERNMENT OF GOA GAZETTE



*Note: There are four Extraordinary issues to the Official Gazette, Series I No. 52 dated 27-3-2008, namely:—*

- (1) *Extraordinary dated 27-3-2008 from pages 2009 to 2010 regarding Notification from Department of Finance (Revenue & Control Division).*
- (2) *Extraordinary (No. 2) dated 28-3-2008 from pages 2011 to 2014 regarding Notification from Department of Law & Judiciary (Legal Affairs Division).*
- (3) *Extraordinary (No. 3) dated 29-3-2008 from pages 2015 to 2020 regarding Notification from Department of Law & Judiciary (Legal Affairs Division).*
- (4) *Extraordinary (No. 4) dated 2-4-2008 from pages 2021 to 2022 regarding Notification from Department of Finance (Revenue & Control Division).*

Goa Legislature Secretariat

LA/LEGN/2008/3933

The following bill which was introduced in the Legislative Assembly of the State of Goa on 24th March, 2008 is hereby published for general information in pursuance of Rule - 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

## THE GOA PROHIBITION OF RAGGING BILL, 2008

( Bill No. 2 of 2008 )

A

BILL

*to prohibit ragging in educational institutions in the State of Goa.*

Be it enacted by the Legislative Assembly of Goa in the Fifty-ninth Year of the Republic of India as follows:—

1. *Short title extent and commencement.*— (1) This Act may be called the Goa Prohibition of Ragging Act, 2008.

(2) It shall extend to whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires—

(a) “educational institution” means and includes a College, having Degree classes and/or Higher Secondary Classes and/or Post Graduates Classes, Junior College, Polytechnic or other institution by whatever name called, carrying on the activity of imparting education therein, either exclusively or among other activities, and includes or orphanage or a boarding home or hostel or a tutorial institution or any other premises attached thereto;

(b) “fresher” means a fresh or new student admitted to an educational institution and includes Junior students;

(c) “Government” means the Government of Goa;

(d) “head of the educational institution” means the Vice-Chancellor of the University, Dean of Medical Faculty, Director of the Institution or the Principal, Headmaster or the person responsible for the management of the educational institutions;

(e) “ragging” means any disorderly conduct, whether by words spoken or written or by an act which has the effect of teasing, treating or handling with rudeness any other student indulging in rowdy or indisciplined activities which causes or is likely to cause annoyance, hardship or psychological harm or to raise fear or apprehension thereof in a fresher or a Junior student or asking the student to do any act or perform something which such student will not do in the ordinary course and which has the effect of causing or generating a sense of shame or embarrassment or adversely affect the physique or psyche of a fresher or a Junior student.

(f) “senior” means a student studying in higher classes as compared to other students in an educational institution;

(g) "student" means a person who is admitted to an educational institution and whose name is lawfully borne on the attendance register thereof;

3. *Anti ragging movement.*— It shall be the duty of every educational institution to prevent or deter the commission of ragging and shall initiate anti-ragging movement by taking all steps required. Without prejudice to the aforesaid;

(i) the prospectus, the form for admission and/or any other literature issued to the aspirants for admission shall clearly mention that ragging is banned in the institution and anyone indulging in ragging is likely to be punished;

(ii) the application form for admission/enrolment shall have a printed undertaking to be filled up and signed by the student to the effect that he/she is aware of the institution's approach towards ragging and the punishments to which he/she shall be liable if found guilty of ragging. A similar undertaking shall be obtained from the parent/guardian of the student;

(iii) the educational institution shall display on the notice board, the name and addresses and the contact numbers of the persons, to whom the freshers in the institution should approach for help and guidance for various purposes keeping in view needs of freshers in the institution at the time of admission so that the fresher need not look up to the seniors for help in such matters and feel indebted to or obliged by them;

(iv) Head of the educational institution or a person high in authority shall address meetings of Professors, Lecturers, Instructors, teachers, parents and students collectively or in groups and create confidence by apprising them of their rights as well as obligations to fight against ragging, insisting on freshers to report to the Head of educational institution and/or proctorial committee, any instance of ragging and to generate confidence in their mind and that any instance of ragging to which they are subjected to or which comes in their knowledge shall be promptly dealt with, while protecting the complainant from any harassment by the perpetrators of ragging.

(v) at the commencement of the academic session, the educational institution should

constitute a Proctorial Committee consisting of Senior Faculty members and hostel authorities like Wardens and a few responsible senior students:—

(a) To keep a continuous watch and vigil over ragging so as to prevent its occurrence and recurrence;

(b) to promptly deal with the incidents of ragging brought to its notice and summarily punish the guilty, either by itself or by putting forth its finding/recommendations suggestions before the authority competent to take decision;

(vi) all vulnerable locations shall be identified and especially watched;

(vii) the local community and the students in particular shall be made aware of the dehumanizing effect of ragging inherent in its perversity. Posters, notice boards and signboards etc., wherever necessary, may be used for the purpose;

(viii) migration certificate issued by the educational institution should have an entry apart from that of general conduct and behaviour whether the student had indulged in ragging and in particular was punished for ragging;

4. *Prohibition of ragging.*— Ragging within or outside of any educational institution is prohibited and no person shall commit abet, propagate or participate in ragging within or outside of any educational institution;

5. *Authority to impose penalties.*— (1) Whenever any student or, as the case may be, the parent or guardian, or Professor or Lecturer or a teacher of an educational institution complains in writing, of ragging to the Head of the educational institution, the Head of that educational institution shall, within seven days of the receipt of the complaint, inquire into the complaint and it, prima facie, any complaint is found true, should resort to disciplinary action at his/her level. When ragging becomes unmanageable or amounts to a cognizable offence, the same may be reported to the police.

(2) Where, on an inquiry by the Head of the educational institution, it is proved that there is no substance in the complaint received under sub-section (1), he, shall intimate the fact, in writing, to the complainant.

(3) The decision of the Head of the educational institution that the student has indulged in ragging under sub-section (1) shall be final.

(4) If, the Head of the educational institution fails or neglects to take action in the manner specified hereinabove in sub-section (1) when a complaint of ragging is made, such person shall be deemed to have abetted the offence of ragging and shall be made personally accountable and liable for disciplinary proceedings before the authority competent to conduct such proceedings.

6. *Punishment.*— (1) Whoever, directly or indirectly, commits, participates in, abets or propagates, ragging, within or outside any educational institution, shall, on conviction, be dealt with by the Head of the educational institution by resorting to disciplinary action.

(2) If the individuals committing or abetting ragging are not identified, collective punishment should be resorted to so as to act as a deterrent punishment and to ensure collective pressure on the potential raggers.

(3) Any student so convicted shall further be removed from the roll of the educational institution and such students shall not be admitted in any other educational institution in the State of Goa for a period of three years from the date of such conviction.

(4) The punishment may also take the shape of :

(i) Withholding scholarships or other benefits;

(ii) Debarring from representation in events;

(iii) Withholding results; and

(iv) Suspension or expulsion from College or hostel or mess, and the like.

7. *Provision of this Act to be in addition to any other law for the time being in force.*— Nothing in this Act shall be deemed to affect the operation of any other law and the provisions of this Act shall be in addition to and not in derogation of such other law.

8. *Power to remove difficulties.*— If any difficulty arises in giving effect to the provisions of this Act, the Government may, by Order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

### Statement of Objects and Reasons

In the last few years, there has been upsurge in the harassment of the students particularly by the senior students. Such activities remain unnoticed due to lack of complaints by the juniors or rather, newly admitted students. Some students unfortunately are physically manhandled and psychologically get a severe depression to the extent that they discontinue their studies or even end their life.

There is persistent demand from all the corners of the society that the Government should take immediate steps to prohibit such practices of ragging in educational institutions.

The bill seeks to prohibit ragging in educational institutions in the State of Goa.

This bill seeks to achieve the above object.

### Financial Memorandum

No financial implications are involved in the Bill.

### Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim, Goa.  
14th March, 2008.

(DIGAMBAR KAMAT)  
Minister for Education.

Assembly Hall,  
Porvorim, Goa.  
14th March, 2008.

R. KOTHANDARAMAN  
Secretary to the Legislative  
Assembly of Goa.

LA/LEGN/2008/3934

The following bill which was introduced in the Legislative Assembly of the State of Goa on 24th March, 2008 is hereby published for general information in pursuance of Rule - 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

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**THE GOA TOWN AND COUNTRY  
PLANNING (AMENDMENT) BILL, 2008**

(BILL No. 14 of 2008)

A

BILL

*further to amend the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975).*

Be it enacted by the Legislative Assembly of Goa in the Fifty-ninth Year of the Republic of India, as follows.—

1. *Short title and commencement.*— (1) This Act may be called the Goa Town and Country Planning (Amendment) Act, 2008.

(2) It shall be deemed to have come into force on the 29<sup>th</sup> day of February, 2008.

2. *Substitution of Section 16.*— For section 16 of the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975) (hereinafter referred to as the “principal Act”), the following section shall be substituted, namely:—

“16. *Effect of regional plan.*— On and from the date of publication of the regional plan under section 15 for an area, all development programmes undertaken within that area by any private institution or by any other person shall conform to the provisions of such regional plan. However, public projects/schemes/development works, undertaken by the Central Government or the Government, shall be in conformity with the rules framed and procedures laid down by the Government for such projects/schemes/development works.”.

3. *Amendment of section 16A.*— For sub-section (1) of section 16A of the principal

Act, the following sub-section shall be substituted, namely:—

“(1) No person shall undertake any work of development in contravention of any provision of the regional plan as in force, except the projects/schemes/development works undertaken by the Central Government or the Government, either by himself or through his servant or agent or any other person and all such development work shall be in conformity with the provisions of the regional plan.”.

4. *Repeal and saving.*— (1) The Goa Town and Country Planning (Amendment) Ordinance, 2008 (Ordinance No. 4 of 2008) is hereby repealed

(2) Notwithstanding the repeal of the Goa Town and Country Planning (Amendment) Ordinance, 2008 (Ordinance No. 4 of 2008), anything done or any action taken under the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

**Statement of Objects and Reasons**

Section 16 of the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975), mandates that all development programmes including that of the public utility programmes undertaken by the Government shall conform to the Regional Plan. No Plan can be prepared full proof, as such, it is necessary to provide for an exemption from the provisions of section 16 of the said Act, 1974, with regards to public projects/schemes/development works undertaken by the Central Government or the Government. In view of the aforesaid, sections 16 and 16A of the said Act, 1974 are proposed to be suitably amended.

The Bill also seeks to repeal the Goa Town and Country Planning (Amendment) Ordinance, 2008 (Ordinance No. 4 of 2008), which was promulgated by the Governor of Goa on 29-2-2008.

This Bill seeks to achieve the above objects.

**Financial Memorandum**

No financial implications are involved in this Bill.

**Memorandum Regarding Delegated  
Legislation**

**THE GOA VALUE ADDED TAX  
(THIRD AMENDMENT) BILL, 2008**

No delegated legislation is involved in this Bill.

(Bill No. 11 of 2008)

Porvorim-Goa. (Shri DIGAMBAR KAMAT)  
Dated: 17-3-2008. Hon. Chief Minister.

A

BILL

Assembly Hall, (R. KOTHANDARAMAN)  
Porvorim-Goa. Secretary to the Legislative  
Dated: 17-3-2008. Assembly of Goa.

*further to amend the Goa Value Added Tax  
Act, 2005 (Goa Act 9 of 2005).*

Be it enacted by the Legislative Assembly of  
Goa in the Fifty-ninth Year of the Republic of  
India as follows:-

A N N E X U R E

16. *Effect of regional plan.*— On and from the date of publication of the regional plan under section 15 for an area all development programmes undertaken within that area by any Department of the Government or by public and private institutions or by any other person shall conform to the provisions of such regional plan.

“16A. *Development to conform to regional plan.*— (1) No person shall undertake any work of development in contravention of any provision of the regional plan as in force, either by himself or through his servant or agent or any other person and all such development work shall be in conformity with the provisions of the regional plan.

(2) Whoever undertakes any work of development in contravention of the regional plan as in force, shall be punished with fine which may extend to Rs. 1.00 lakh.

(3) An offence under this section shall be cognizable.”

Assembly Hall, (R. KOTHANDARAMAN)  
Porvorim – Goa. Secretary to the Legislative  
Dated: 17-3-2008. Assembly of Goa

1. *Short title and commencement.*— (1) This Act may be called the Goa Value Added Tax (Third Amendment) Act, 2008.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 6.*— In section 6 of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005) (hereinafter referred to as the “principal Act”), for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) In respect of any goods other than capital goods and such other goods as specified in Schedule ‘G’ appended to this Act, or in sub-section (2) of section 9, used in the manufacturing or processing of finished products dispatched other than by way of sales, the Government may, notwithstanding anything contained in section 9, by notification, allow input tax credit in excess of the rate of tax specified in sub-section (1) of section 8 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956) on such goods purchased within the State subject to such terms and conditions as may be specified in the notification.”.

3. *Amendment of Section 9.*— In section 9 of the principal Act, - (i) in sub-section (2),—

(a) in clause (vi), for the words “in respect of capital goods”, the words

“in respect of capital goods or capital assets” shall be substituted;

(b) after clause (xi) the following clauses shall be inserted, namely:—

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“(xii) ice cream, alcoholic beverages including beer and wine and non-alcoholic beverages including packed juices, aerated water and soft drinks served in party, factory or industrial canteens, clubs, or served by caterer, for consumption at any place other than hotel/restaurant;

(xiii) condemned vehicles”.

(ii) in sub-section (6), for the existing proviso, the following proviso shall be substituted, namely:—

“Provided that in respect of finished products dispatched by way other than those covered by Schedule ‘G’ and capital goods shall be to the extent it exceeds the rate specified under sub-section (1) of section 8 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956)”.

4. *Amendment of section 55.*— In section 55 of the principal Act, in sub-section (1), for the word and figures “Rs. 500/-”, the word and figures “Rs.1000/-” shall be substituted.

5. *Amendment of section 70.*— In section 70 of the principal Act, (i) for sub-section (1) the following sub-section shall be substituted, namely:—

“(1) Every dealer liable to pay tax shall, if his gross turnover of sales exceeds rupees one crore in any year, or in any other case, if the amount of input tax credit claimed by him in any year exceeds rupees ten lacs, get his accounts in respect of such year audited by an accountant by such date and in such manner as may be prescribed and furnish within the prescribed period the report of such audit in the prescribed form duly verified and signed by such accountant and setting forth such particulars and certificates as may be prescribed ”,

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) If any dealer liable to get his accounts audited under sub-section (1) fails to furnish a copy of such report within the period prescribed, the Commissioner shall, impose on him, in addition to any tax payable, a penalty of rupees one thousand plus rupees one hundred

per day during the first sixty days of default and rupees two hundred fifty per day thereafter, subject to a maximum of rupees one lac cumulatively.”,

(iii) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Notwithstanding anything contained in sub-section (3), the Commissioner, upon an application from the dealer and subject to such rules as may be prescribed, remit the whole or any part of the penalty imposed on such defaulting dealer”.

### Statement of Objects and Reasons

The Bill seeks to amend sub-section (3) of section 6 of the Goa Value Added Tax Act, 2005 (Act 9 of 2005), so as to allow refund of input tax credit in excess of the rate of tax payable by any registered dealer under interstate trade. The existing provision of said sub-section (3) allows refund in excess of 4%. The Central Sales Tax is being phased out by reduction of 1% every year from April, 2007, and, therefore the necessary amendments are required to be made to bring it at par with Central Sales Tax rates.

The Bill seeks to amend sub-section (2) of section 9 of the said Act so as to make it more effective and restrict evasion of tax.

The Bill seeks to amend sub-section (6) of section 9 of the said Act in view of amendment to sub-section (3) of section 6.

The Bill seeks to amend sub-section (1) of section 55 of the said Act so as to enhance the penalty for failing to file return from existing Rs. 500/- to Rs. 1000/-. Besides, the rate of interest for belated payment or non-payment of tax is proposed to be brought at par with the rate provided in sub-section (4) of section 25.

The Bill also seeks to amend sub-section (1) of section 70 of the said Act, so as to empower the Government to lay manner in which accounts of dealer are to be audited.

Sub-section (3) of section 70 is proposed to be amended so as to specify the penalty to be imposed for failing to get accounts audited.

The Bill seeks to insert of new sub-section (4) in section 70 of the said Act so as to enable the Commissioner to consider applications for remission of penalty imposed.

The Bill seeks to achieve the above objects.

### **Financial Memorandum**

No financial implication are involved in this Bill.

### **Memorandum regarding delegated Legislation**

Clause 1(2) of the Bill empowers the Government to appoint a date for bringing into force the Act, by Notification in the Official Gazette.

Clause 2 of the Bill empowers the Government to issue notification for allowing input tax credit at the rate as specified therein.

Clause 5 of the Bill empowers the Government to frame rules specifying the manner in which accounts to be audited.

Assembly Hall,  
Porvorim, Goa.  
14th March, 2008.

D. G. NARVEKAR  
Hon. Finance Minister.

Assembly Hall,  
Porvorim, Goa.  
14th March, 2008.

R. KOTHANDARAMAN  
Secretary to the Legislative  
Assembly of Goa.

### **Governor's Recommendation under Article 207 of the Constitution.**

In pursuance of Article 207 of the Constitution of India, I, S. C. Jamir, the Governor of Goa, hereby recommends to the Legislative Assembly of Goa, the introduction and consideration of the Goa Value Added Tax (Third Amendment) Bill, 2008.

### **Extract of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005)**

### **6. REIMBURSEMENT AND EXEMPTION OF TAX**

(1) Tax collected under this Act on purchases made by specialized agencies of United Nations Organizations or Diplomatic Mission/Consulates or

Embassies of any other country and their diplomats shall be reimbursed in such manner and subject to such conditions as may be prescribed.

(2) In respect of any goods not entitled for input tax credit and covered by Schedule 'C' appended hereto purchased within the State on payment of tax under this Act, the Government may subject to such conditions as it may impose, by Notification exempt subsequent sales thereof from payment of output tax for such period as may be notified.

(3) In respect of any goods other than capital goods, used in the manufacturing or processing of finished products dispatched other than by way of sales, the Government may, notwithstanding anything contained in section 9, by Notification allow input tax credit in excess of 4% on such goods purchased within the State subject to such terms and conditions as may be specified in the Notification.

### **9. INPUT TAX CREDIT**

(1) Subject to such conditions and restrictions as may be prescribed Input Tax Credit either partially or wholly shall be allowed for the tax paid during the tax period in respect of goods including capital goods purchased and/or taken on hire or leased to him within Goa, other than those specified in Schedule 'G' and/or such other goods as may be notified from time to time by the Government, provided, the goods purchased are for sale in Goa or for sale in course of Inter State trade or in course of export outside the territory of India or used by him as raw materials/capital goods in the manufacture or processing of taxable goods in Goa or for sale by transfer of right to use.

(2) No input tax credit under sub-section (1) shall be claimed or be allowed to a registered dealer:-

(i) in respect of goods purchased on payment of tax if such goods are not sold because of theft or destruction for any reason;

(ii) in respect of stock of goods remaining unsold at the time of closure of business;

(iii) in respect of any taxable goods under the Act purchased by him from another registered dealer for resale but given away by way of free samples or gifts;

(iv) in respect of capital goods/industrial Inputs and packing materials, covered under Schedule 'B' of the Act, if said goods are utilized for the purposes other than those covered in the prescribed declaration;

(v) in respect of goods purchased from a dealer who has opted for composition of tax under sub-section (1) of section 7;

(vi) in respect of capital goods:—

(a) purchased or paid prior to appointed day;

(b) capital expenditure incurred prior to the date of registration under this Act;

(c) capital goods not connected with the business of the dealer;

(d) capital goods used in the manufacture of goods or providing services which are not liable to tax under this Act;

(e) capital goods used in generation of energy/ power including captive power;

(f) motor cars, its accessories and spare parts.

(vii) in respect of taxable goods sold within the State or in the course of inter-State trade or commerce within the meaning of section 3 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956), exempted from payment of tax under any specific notification issued under this Act or under the said Central Sales Tax Act, 1956;

(viii) in respect of goods used in the manufacture or processing of finished goods dispatched other than by way of sales outside the State;

(ix) in respect of purchase of motor vehicle including car, three wheeler and two wheeler under this Act or tax paid under the Goa Tax on Entry of Goods Act, 2000 (Act 14 of 2000) on import of such motor vehicle before grant of registration mark under the Motor Vehicles Act, 1988 (Central Act 58 of 1988), when such vehicle is resold as true value vehicle or otherwise by a registered dealer under this Act;

(x) in respect of raw material used in the manufacture of ready mixed concrete;

(xi) in respect of Naphta used as raw material by chemical fertilizer industry.

(3) If goods purchased are intended for use specified under sub-section (1) and are subsequently used fully or partly, for purposes other than those specified under the said sub-section, or loss of goods arising out of theft or destruction for any reason or the stock of goods remaining unsold at the time of closure of business, the input tax credit availed at the time of such purchase shall be reduced from the tax credit for the period during which the said utilization has taken place provided that if part of the goods purchased are utilized otherwise, the amount of reverse tax credit shall be proportionately calculated.

(4) Input tax credit shall be allowed to the registered dealer, subject to restrictions of

sub-section (2), in respect of tax charged to him by a registered seller on taxable sales of goods made to him for the purpose of the business within three months prior to the date of his registration provided that no input tax credit shall be allowed in respect of goods which have been sold or otherwise disposed of prior to the date of registration.

(5) (a) where a registered dealer has availed of the input credit on any goods and the same goods are not used in the course of his business, input tax credit so availed becomes repayable in the tax period following the date on which these goods were put to such other use;

(b) where such goods were wholly or mainly used or are intended for use in sale of taxable goods prior to change of use, tax shall be calculated on the prevailing market value of such goods at the time of change of use.

(6) A registered dealer shall be eligible for input tax credit in respect of entry tax paid by him under the Goa Tax on Entry of Goods Act, 2000 (Act 14 of 2000) on goods other than those covered by Schedule 'G' and capital goods, brought by him in the local area for use or consumption in the manufacture or processing of goods within the State:

Provided that in respect of finished products dispatched by way other than sales, the input tax credit on goods other than those covered by Schedule 'G' and capital goods shall be to the extent it exceeds 4%.

(7) Balance unclaimed input tax credit of capital goods shall not be allowed in case of closure of business.

(8) The registered dealer shall be eligible for input tax credit on stock held on the appointed day, towards the tax paid under the earlier law subject to such conditions as may be prescribed. The period and the date from which such input tax credit is to be apportioned shall be as notified.

(9) The deduction of input tax credit on capital goods under this section shall be allowed in two equal annual instalments after the close of the respective year as under:

(i) in case of existing units, upon installation of such capital goods, and

(ii) in case of new units, upon commencement of commercial production.

## 55. PENALTY FOR FAILURE TO FILE RETURN

(1) A person who fails to file a return within the time required under this Act is liable for penalty of Rs. 500/- plus an amount equal to simple interest @ 15% per



annum or such higher/lower rate as the Government may notify from time to time on the tax payable for the return period.

(2) Any registered dealer covered under Schedule 'E' appended to this Act, fails to file a return within the time required under this Act, he shall be liable for penalty of Rs.1000/- per quarter plus an amount equal to simple interest at the rate of 2% per month on the tax payable for the return period.

## 70. ACCOUNTS TO BE AUDITED IN CERTAIN CASES

(1) Every dealer liable to pay tax shall, if his gross turnover of sales exceed rupees one crore in any year, or in any other case, if the amount of Input Tax Credit claimed by him in any year exceeds rupees 10 lakhs, get his accounts in respect of such year audited by an accountant within nine months from the end of that year and furnish within that period the report of such audit in the prescribed form duly signed and verified by such accountant and setting forth such particulars and certificates as may be prescribed.

(2) For the purposes of this section, "Accountant" means a Chartered Accountant within the meaning of Chartered Accountants Act, 1949 (Central Act 38 of 1949).

(3) If any dealer liable to get his accounts audited under sub-section (1) fails to furnish a copy of such report within the time as aforesaid the Commissioner shall, after giving the dealer a reasonable opportunity of being heard, impose on him, in addition to any tax payable, penalty of rupees one thousand plus rupees hundred per day during the first thirty days of default and rupees two hundred fifty per day thereafter, subject to a maximum of rupees one lakh cumulatively.

### Extract of the Goa Value Added Tax Act (First Amendment) 2005 (Goa Act 15 of 2005)

3. *Amendment of section 7.*— In section 7 of the principal Act,—

(i) in sub-section (1),—

(a) after the words "to pay tax under" and before the word and figure "section 3", the words and figures "sub-sections (1), (2) and (3) of" shall be inserted;

(b) the following proviso shall be inserted, namely:—

"Provided that any dealer of the class specified in Schedule 'E' who is liable to pay tax

under sub-sections (2) and (3) of section 3, may, at any time during the year, by making self declaration that his turnover of sales during the said year will not exceed the limit specified in the said Schedule 'E', apply for composition of tax under this section";

(ii) after sub-section (1), the following new sub-section shall be inserted, namely:—

"(1A) In the event of transfer of business under any of the circumstances as provided under section 19, the total turnover for the purposes of sub-section (1) shall be the aggregate of the turnover of the transferor as well as the transferee during the year and the prescribed conditions, if any, shall be applicable with reference to such aggregate of the turnover".

4. *Amendment of section 9.*— In section 9 of the principal Act,—

(a) in sub-section (2),—

(i) in clause (iv), for the words "in respect of capital goods", the expression "in respect of capital goods industrial inputs and packing materials" shall be substituted;

(ii) after clause (vi), the following clauses shall be inserted, namely:—

"(vii) in respect of taxable goods sold within the State or in the course of inter-State trade or commerce within the meaning of section 3 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956), exempted from payment of tax under any specific notification issued under this Act or under the said Central Sales Tax Act, 1956;

(viii) in respect of goods used in the manufacture or processing of finished goods despatched other than by way of sales outside the State";

(b) for sub-section (6), the following sub-section shall be substituted, namely:—

"(6) A registered dealer shall be eligible for input tax credit in respect of entry tax paid by him under the Goa Tax on Entry of Goods Act, 2000 (Act 14 of 2000) on goods other than those covered by Schedule 'G' and capital goods, brought by him in the local area for use or consumption in the manufacture or processing of goods within the State:

Provided that in respect of finished products despatched by way other than sales, the input tax credit on goods other than those covered by Schedule

'G' and capital goods shall be to the extent it exceeds 4%".

5. *Amendment of section 10.*— In section 10 of the principal Act, in sub-section (1), after the expression "penalty or interest under this Act or earlier law", the expression "or under the Goa Tax on Entry of Goods Act, 2000 (Act 14 of 2000) or under the Central Sales Tax Act, 1956 (Central Act 74 of 1956)" shall be added.

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**Extract of the Goa Value Added Tax Act (Second Amendment) Act, 2006 (Goa Act 18 of 2006)**  
 .....

2. *Amendment of section 2.*— In section 2 of the Goa Value Added Tax Act, 2005 (Act 9 of 2005) (hereinafter referred to as the "principal Act"), in clause (i), the expression "Sales Tax or Value Added Tax" shall be omitted.

3. *Amendment of section 7.*— In section 7 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:-

"(3) Any dealer who is eligible for composition of tax under sub-section (1), fails to file returns for all the quarters of the year within the time prescribed, he shall be disqualified for the composition of tax for the next two consecutive years."

4. *Amendment of section 9.*— In section 9 of the principal Act, in sub-section (2), after clause (viii) the following clauses shall be inserted, namely:—

"(ix) in respect of purchase of motor vehicle including car, three wheeler and two wheeler under this Act or tax paid under the Goa Tax on Entry of Goods Act, 2000 (Act 14 of 2000) on import of such motor vehicle before grant of registration mark under the Motor Vehicles Act, 1988 (Central Act 58 of 1988), when such vehicle is resold as true value vehicle or otherwise by a registered dealer under this Act;

(x) in respect of raw material used in the manufacture of ready mixed concrete;

(xi) in respect of Naphta used as raw material by chemical fertilizer industry."

5. *Amendment of section 19.*— In section 10 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) After adjustment under sub-section (1), the excess input tax credit of a registered dealer other than those covered under sub-section (3) shall be carried over as an input tax credit to the subsequent period upto the end of the respective financial year and if there is any unadjusted input tax credit thereof,

the same shall be refunded in the prescribed manner within three months, from the date of filing of the last quarterly return of the respective financial year or from the date of filing an application by the dealer claiming such refund, whichever is later".

6. *Amendment of section 29.*— In section 29 of the principal Act,— (i) for sub-section(3), the following sub-section shall be substituted, namely:—

"(3) No assessment under this section for any year shall be made after a period of two years from the end of the year to which the return under section 24 is submitted by a dealer and no assessment under sub-section (9) shall be made after the expiry of five years from the end of the year in respect of which or part of which such assessment is to be made:

Provided that where assessment is made in consequence of or to give effect to, any order of an Appellate Authority or Revisional Authority or of a Court, the said period of two years shall be reckoned from the date of such order:

Provided further that in computing the period laid down in this sub-section, any period during which assessment proceedings are stayed by an order or injunction of any Court or authority such period shall be excluded";

(ii) after sub-section (8), the following sub-section shall be inserted, namely:—

"(9) Where, the Commissioner has reason to believe that a dealer is liable to pay tax in respect of any period, but has failed to apply for registration or has failed to apply for registration within the time as required by or under this Act, the Commissioner shall proceed to assess, to the best of his judgement, wherever necessary, the amount of tax due from the dealer in respect to such period and all subsequent periods and, in making such assessment, he shall give the dealer reasonable opportunity of being heard; and if he is satisfied that the default is without reasonable cause, direct the dealer to pay by way of penalty, in addition to tax assessed, a sum not exceeding the amount of tax assessed."

7. *Amendment of section 33.*— In section 33 of the principal Act, in sub-section (1), for the expression "due from him under this Act and also excess of input tax credit" "the expression "due from him under this Act or unduly paid by him and also excess of input tax credit" shall be substituted.

8. *Amendment of section 30.*— The existing provision of section 39 of the principal Act, shall be numbered as sub-section (1) thereof and

after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—

“(2) Subject to such rules as may be prescribed, any assessment made or order passed under this Act or under the rules made thereunder by any authority appointed under section 13 of this Act, may be reviewed by the respective authority passing it upon an application or of it's own motion, as the case may be:

Provided that no order of assessment or any other order shall be reviewed after expiry of two years from the date of order, by any authority under this sub-section.”.

9. *Amendment of section 55.*— The existing provision of section 55 of the principal Act, shall be numbered as sub-section (1) thereof and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—

“(2) Any registered dealer covered under Schedule 'E' appended to this Act, fails to file a return within the time required under this Act, he shall be liable for penalty of Rs.1000/- per quarter plus an amount equal to simple interest at the rate of 2% per month on the tax payable for the return period.”.

10. *Amendment of section 79.*— In section 79 of the principal Act, in sub-section (3), in clause (f), for the expression “Sales Tax Department” the expression “Commercial Tax Department” shall be substituted.

11. *Amendment of section 82.*— In section 82 of the principal Act, -

(i) in sub-section (1), —

(A) in clause (c), for the expression “sales tax practitioner”, the expression “commercial tax practitioner” shall be substituted;

(B) for the expression “sales tax practitioner is authorized”, the expression “commercial tax practitioner or sales tax practitioner is authorized” shall be substituted.

(ii) in sub-section (2), for the expression “sales tax practitioner” wherever it occurs, the expression “commercial tax practitioner” shall be substituted.

LA/LEGN/2008/3936

The following bill which was introduced in the Legislative Assembly of the State of Goa on 24th March, 2008 is hereby published for general information in pursuance of Rule - 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

## THE GOA BUILDINGS (LEASE, RENT AND EVICTION) CONTROL (AMENDMENT) BILL, 2008

( Bill No. 15 of 2008 )

A

BILL

*further to amend the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act 2 of 1969).*

Be it enacted by the Legislative Assembly of the State of Goa in the Fifty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 2008.

(2) It shall come into force at once.

2. *Amendment of Section 23A.*— In Section 23A of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act 2 of 1969), after sub-section (3A), the following sub-section shall be inserted, namely:—

“(3B) (a) Notwithstanding anything contained in this Act, a Non-resident Indian, on an application made in this behalf to the Controller, shall be entitled to recover possession of any premises on the grounds that the premises are bonafide required by him for occupation by himself or any member of his family.

(b) The Controller shall pass an Order for eviction of tenant on an application by a Non-resident Indian under clause (a) above supported by a certificate from the concerned District Magistrate that he is a Non-resident Indian and is now willing to reside in the State of Goa. The District Magistrate shall issue such

Assembly Hall,  
Porvorim, Goa.  
14th March, 2008.

R. KOTHANDARAMAN  
Secretary to the Legislative  
Assembly of Goa.

certificate on an affidavit sworn by Non-resident Indian before the Competent Authority to the effect that he does not possess any other suitable residence in the local area where he or member of his family can reside.

(c) Every application filed before the Controller under clause (a) above shall be dealt with in accordance with the procedure specified in sub-section (3A) and the provisions thereof in so far as they are applicable, shall apply to such proceedings.

*Explanation.*— For the purposes of this sub-section, “Non-resident Indian” means a person residing outside India, who is either a citizen of India or is a person of Indian origin”.

### Statement of Objects and Reasons

Section 23A of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act 2 of 1969) (hereinafter referred to as the “said Act”), deals with the right to recover immediate possession of premises which accrues in favour of certain persons and in terms of sub-section (3) thereof, a landlord, who is a member of the armed forces of the Union or who is an employee of the Central Government or Railways or any Public Sector undertaking of the Central Government whose employees are subject to transfers from their original place of posting or who was such member or employee, as the case may be, and is duly retired, shall be entitled to recover possession of any premises on the grounds that the premises are bonafide required by him for occupation by himself or any member of his family.

The Bill seeks to amend said section 23A of the said Act, by inserting a new sub-section (3B) therein, so as to protect the property rights of Non-resident Indians and enable them to recover possession of their premises when the same are bonafide required by them for their own occupation or for the occupation of any member of their family.

This Bill seeks to achieve the above objects.

### Financial Memorandum

No financial implications are involved in this Bill.

### Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Panaji, Goa  
18<sup>th</sup> February, 2008

JOSE PHILIP D’SOUZA  
Minister for Revenue

Assembly Hall,  
Porvorim, Goa  
18<sup>th</sup> February, 2008.

R. KOTHANDARAMAN  
Secretary Legislature

### ANNEXURE

(Bill No. 15, 2008)

### The Goa Buildings (Lease, Rent & Eviction) control (Amendment) Bill, 2008

*23A. Right to recover immediate possession of premises to accrue to certain persons.*— (1) Where a landlord who, being a person in occupation of any residential premises allotted to him by the Government or any local authority is required, by, or in pursuance of any general or special order made by the Government or such authority to vacate such residential accommodation or in default, to incur certain obligations, on the ground that he owns in the place where such residential premises has been allotted to him either by the Government or by such local authority, a residential accommodation either in his own name or in the name of his wife or dependent child there shall accrue on and from the date of such order to such landlord, notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract (whether express or implies), custom or usage to the contrary, a right to recover immediately possession of any premises let out by him:

Provided that nothing in this section shall be construed as conferring a right on a landlord owning in the place where the residential accommodation has been allotted to him by the Government or such local authority two or more dwelling houses whether in his own name or in the name of his wife or dependent child, to recover the possession of more than one dwelling house and it shall be lawful for such landlord to indicate the dwelling house, possession of which he intends to recover.

(2) Notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract, custom or usage to the contrary where the landlord exercise the right of recovery conferred on him by sub-section (1), no compensation shall be payable by him to the tenant or any person claiming through or under him and no claim for such compensation shall be entertained by any court, tribunal or other authority:

Provided that where the landlord had received:

(a) any rent in advance from the tenant, he shall within a period of ninety days from the date of recovery of the premises by him, refund to the tenant such amount as represents the rent payable for the unexpired portion of the contract agreement or lease;

(b) any other payment, he shall, within the period aforesaid, refund to the tenant a sum which shall bear the same proportion to the total amount as received, as the unexpired portion of the contract or agreement or lease bears to the total period of contract or agreement or lease:

Provided further that, if any default is made in making any refund as aforesaid the landlord shall be liable to pay simple interest at the rate of six percent per annum.

(3) Notwithstanding anything contained in this Act,—

(a) a landlord, who is a member of the armed forces of the Union or who is an employee of the Central Government or Railways or any Public Sector Undertaking of the Central Government whose employees are subject to transfers from their original place of posting or who was such member or employee as the case may be, and is duly retired (which term shall include premature retirement), shall be entitled to recover possession of any premises on the grounds that the premises are bonafide required by him for occupation by himself or any member of his family ( which term shall include a parent or other relation ordinarily residing with him and dependent on him), and the Controller shall pass an order for eviction on such grounds if the landlord, at the hearing of the suit, produces a certificate signed by the Head of his Services or his Commanding Officer or by the Head of his Department or Head of the Public Sector Undertaking, as the case may be, to the effect. -

(i) he is presently a member of the armed forces or the Union or employee of the Central Government or Railways or a Public Sector Undertaking of the Central Government or he was such member or employee as the case may be, and is now retired ex-serviceman or employee as the case may be; and

(ii) he does not possess any other suitable residence in the local area where he or the members of his family can reside:

Provided that in the case of an ex-serviceman or an ex-employee referred to in sub-clause (i) above, an affidavit sworn before the competent authority to the effect as envisaged in sub-clause (ii) shall be sufficient;

(b) Where a member of the armed forces of the Union or employee of the Central Government or Railways or any Public Sector Undertaking of the Central Government whose employees are subject to transfers from their original posting place, as the case may be, dies while in service or such member is duly retired and dies within five years of his retirement, his widow who is or becomes

a landlord of any premises, shall be entitled to recover possession of such premises, on the ground that the premises are bonafide required by her for occupation by herself or any member of her family ( which term shall include her husband's parent or other relation ordinarily residing with her) and the Controller shall pass an order for eviction on such ground, if such widow, at the hearing of the suit, produces a certificate signed by the Area or Sub-Area Commander within whose jurisdiction the premises are situated or by the Head of Department or Head of the Public Sector Undertaking whereof, her deceased husband was employee to the effect that—

(i) she is a widow of a deceased member of the armed forces or the employee of the Central Government or Railways or any Public Sector Undertaking of the Central Government, as the case may be: and

(ii) she does not possess any other suitable residence in the local area where she or the members of her family can reside:

Provided that the landlord or his widow, as the case may be, shall be entitled to recover only one of the premises chosen by him or her, under this section, in case more than one premises have been let out by him or her.

*Explanation 1.*— For the purpose of this sub-section,

(i) "armed forces" means an armed force of the Union constituted under an Act of Parliament and includes a member of the police force constituted under the Police Act as applicable to the State of Goa;

(ii) any certificate granted by the concerned authority there under shall be conclusive evidence of the facts stated therein.

*Explanation 2.*— For the purpose of clause (a) of this sub-section, the expression the Head of his Services" in the case of Officers retired from the Indian Navy, includes the Flag Officer-in-Chief, Western Naval Command and in the case of Officers retired from the Indian Air Force, includes the Station Commander."

(c) The provisions of this sub-section shall be applicable to all applications including those pending proceedings before any Controller/Tribunal/Court and all such, proceedings shall be disposed of in accordance with the provisions of this section.

(d) During the pendency of proceedings for recovery of possession under this sub-section, the tenant shall continue the regular payment of rent due to the landlord or deposit such amounts with the Controller/Tribunal/Court for payment to the landlord:

Provided that nothing in this sub-section shall be so constructed as conferring a right on any person to recover possession of more than one residential building inclusive of any part or parts thereof if it is let out in part or parts:

Provided further that the Controller may give the tenant a reasonable period for putting the landlord or as the case may be, his widow in possession of the residential building and may extend such time so as not to exceed six months in the aggregate.

(3A) (a) Every application under sub-section (3) shall be dealt with in accordance with the procedure specified in this sub-section:

(b) After an application under sub-section (3) is received, the Controller shall issue summons for services on the tenant in the form specified in the Schedule.

(c) The summons issued under sub-clause (b) shall be served on the tenant as far as may be, in accordance with the provisions of Order V of the First Schedule to the Code of Civil Procedure 1908 (Central Act 5 of 1908). The Controller shall in addition direct that a copy of the summons be also simultaneously sent by registered post acknowledgment due addressed to the tenant or his agent empowered to accept the service at the place where the tenant or his agent actually and voluntarily resides or carries on business or personally works for gain and that another copy of the summons be affixed at some conspicuous part of the building in respect whereof the application under sub-section (3) 1 been made.

(d) When an acknowledgement purporting to be signed by the tenant or his agent is received by the Controller or the registered article containing the summons is received back with an endorsement purporting to have been made by a postal employee to the effect that the tenant or his agent has refused to take delivery of the registered article and an endorsement is made by a process server to the effect that a copy of the summons has been affixed as directed by the Controller on a conspicuous part of the building and the Controller after such enquiry as he deems fit, is satisfied about the correctness of the endorsement, he may declare that there has been a valid service of the summons on the tenant.

(e) The tenant on whom the service of summons has been declared to have been validly made under clauses (c) or (d) of sub-section (3A), shall have no right to contest the prayer for eviction from the residential buildings unless he files an affidavit within 15 days from the date stating the grounds of service on which he seeks to contest the applications for eviction and obtains leave from the Controller as hereinafter provided and in default of his appearance in pursuance of the summons or his obtaining such leave, the statement made by the landlord or as the case may be, the widow, of such landlord in the application for eviction shall be deemed to be admitted by the tenant and the applicant shall be entitled to an order for eviction of the tenant.

(f) The Controller may give to the tenant leave to contest the application if the affidavit filed by the tenant

discloses such facts as would disentitle the landlord or, as the case may be, the widow, of such landlord from obtaining an order for the recovery of possession of the residential building under sub-section (3).

(g) Where leave is granted to the tenant to contest the application, the Controller shall commence the hearing on a date not later than one month from the date on which the leave is granted to the tenant to contest and shall hear the application from day to day till the hearing is concluded and application decided.

(h) No appeal or second appeal shall lie against an order for the recovery of possession of any residential building made by the Controller in accordance with the procedure specified in this sub-section:

Provided that the High Court may, for purpose of satisfying itself that an order made by the Controller under this sub-section is according to law, call for the records of the case and pass such order in respect thereto as it thinks fit.

(4) Save as provided in sub-sections (3) and (3A) any landlord who desires to exercise the right conferred by this section shall make an application to the Controller and the provisions of section 25 in so far as they are applicable, shall apply to such proceedings.

Assembly Hall,  
Porvorim, Goa.  
18th February, 2008.

R. KOTHANDARAMAN  
Secretary to the Legislative.

LA/LEGN/2008/3937

The following bill which was introduced in the Legislative Assembly of the State of Goa on 24th March, 2008 is hereby published for general information in pursuance of Rule - 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

## THE GOA PRESERVATION OF TREES (AMENDMENT) BILL, 2008

(Bill No. 8 of 2008)

A  
BILL

*further to amend the Goa, Daman and Diu  
Preservation of Trees Act, 1984.*

Be it enacted by the Legislative Assembly of Goa in the Fifty-ninth Year of Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Preservation of Trees (Amendment) Act, 2008.

(i) It shall come into force at once.

2 *Insertion of new section 12A.*— After section 12 of the Goa, Daman and Diu Preservation of Trees Act, 1984 (Act No. 6 of 1984) (hereinafter referred to as the “principal Act”), the following section shall be inserted, namely:—

“12-A.— *Removal of trees, etc., which are in ruinous state or likely to fall.*— (1) Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the Tree Officer or the Deputy Collectors having jurisdiction over their respective areas, if it appears to him at any time that any tree over any land or its branch or a part thereof is in ruinous state or is in such condition that it is likely to fall and thereby cause injury to a person living or carrying on business in the neighbourhood or passerby or to a building or house or any public place, he may, by written order require the person owning or possessing such tree to lop or cut down such tree or portion of a tree, which is in such condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by:

Provided that no order under sub-section (1) shall be made unless the owner or occupier of land has been given a reasonable opportunity of being heard in the matter in person or by his agent in support of his objections:

Provided further that where the Tree Officer or the Deputy Collector in consultation with the Tree Officer is of the opinion that there is likelihood of the tree or any portion thereof falling and causing injury or danger to persons and danger is of hourly imminence and it is not expedient to provide opportunity to file objection, he may, for reasons to be recorded in writing, issue order directing the person owning or possessing such tree, to cut down and remove such tree or any portion thereof forthwith or within the time as fixed in the order and if he fails to do so the Tree Officer or the Deputy Collector, as the case may be, will take all necessary steps towards its removal.

(2) Every order required to be issued under sub-section (1) of section 12-A of the Act shall be deemed to be duly served,—

(i) where the person to be served is residing in the house, at the place of his residence or in case of company, if order is addressed in the name of company, at its registered office or at its principal office or place of business and is either,—

(a) sent by registered post; or

(b) delivered at its registered office or at its principal office or place of business; or

(c) is given or tendered to him; or

(d) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business or is given or tendered to some adult member of his family or is affixed at some conspicuous part of structure or tree or building, if any, to which it relates.

(3) Whoever fails to comply with any directions issued under sub-section (1) within a period as specified in the said order, the Tree Officer or the Deputy Collector appointed by the Government in this behalf, shall take all reasonable steps to cut, or remove such tree or any portion thereof which causes obstruction or nuisance or is likely to endanger life or property of any person, to remove the same at the cost and charges of the owner or occupier of the land or of the tree and all expenses incurred thereof shall be recovered as arrears of land revenue under the Goa Land Revenue Code, 1968 and the rules framed thereunder.”

3. *Amendment of section 15.*— In section 15 of the principal Act, in sub-section (1).—

(i) for the words “Tree Officer”, the words “Tree Officer or the Deputy Collector, as the case may be”,— shall be substituted.

(ii) for the word and figures “and 12”, the words and figures, “12 and 12A” shall be substituted.

4. *Inserting of new sections 35A and 35B.*— After section 35 of the principal Act, the following sections shall be inserted, namely.—

“35-A *Constitution of tree protection fund.*—

(1) There shall be constituted a fund to be called the Tree Protection Fund. The following

amount shall be paid into and form part of the fund, namely:—

(i) all Government grants, donations from company or institutions, fees, charges received by the Tree Officer;

(ii) all proceeds of the disposal of tree, if any, by the Tree Officer;

(iii) all sums collected by the Tree Officer from such other source as may be decided by the Government.

(2) The funds shall be applied for meeting all expenses incurred by the Tree Officer or the Deputy Collector exercising the power under section 12-A, as the case may be, in connection with discharge of his functions under this Act.

**35-B (1) Account and Audit.**— The Tree Officer and the Deputy Collector exercising the power under section 12-A of this Act shall prepare account and other relevant records and prepare an annual statement of account in such form as may be prescribed by the Government in consultation with the Director of Accounts, Government of Goa. The account maintained under this section shall be audited by the Directorate of Accounts, Government of Goa at such intervals as may be specified by the Government and any expenditure incurred in connection with such audit, shall be payable by the Tree Officer to the Directorate of Accounts from the fund so created.

(2) The Account of Tree Protection Fund as certified by the Directorate of Accounts or any other person appointed by it in this behalf, together with audit report thereon, shall be forwarded annually to the Government and the Government shall cause the same to be laid before the State Legislative Assembly.”.

### Statement of Objects and Reasons

The Goa, Daman and Diu Preservation of Trees Act, 1984 provides for preservation of trees in the State of Goa. The provisions of the Act do not empower any Tree Officer or Deputy Collector having jurisdiction over the area to remove trees which are in ruinous state or which are likely to fall and thereby cause injury to a person living or carrying on business in neighbourhood, etc.

In order to overcome the difficulties towards implementation of the provisions of the Act

effectively, it is proposed to insert a new section 12A thereby empowering the Tree Officer as well as the Deputy Collector having jurisdiction over the area to issue an order for cutting or lopping of tree or its branch or part thereof which is in ruinous state or which is likely to fall and thereby cause injury to person living or carrying on business in the neighbourhood, etc.

The proposed Amendment also provides for constitution of a Tree Protection Fund for meeting all expenses incurred by the Tree Officer or Deputy Collector towards exercising of powers thereof by incorporating a new section 35A of the Act. Similarly, a provision relating to maintaining accounts by the officers thereof and audit by the Director of Accounts with reference to expenditure incurred towards implementation of the provisions of the Act have also been proposed by way of inserting section 35B to the Act.

An Amendment in section 15 is consequential in nature.

This Bill seeks to achieve the above object.

### Financial Memorandum

The proposed section 35-A provides for the constitution of a Tree Protection Fund in which all Government grants, donations, fees, charges, shall be credited. The said fund shall be utilized for meeting all expenses incurred by the Tree Officer or the Deputy Collector while exercising powers under proposed section 12A of the said Act.

The financial implications cannot be quantified at this stage.

### Memorandum Regarding Delegated Legislation

Clause 4 of the Bill empowers the Government to frame rules for specifying the form of annual statement of account of the Tree Protection Fund.

This delegation is of normal character.

Porvorim, Goa.  
14<sup>th</sup> March, 2008.

(FILIP NERY RODRIGUES)  
Minister for Forests.

Assembly Hall,  
Porvorim, Goa.  
14<sup>th</sup> March, 2008.

(R. KOTHANDARAMAN)  
Secretary to the  
Legislative Assembly of Goa.



### Governor's Recommendation under Article 207 of the Constitution

In pursuance of Article 207 of the Constitution of India, I, Shri S. C. Jamir, Governor of Goa, hereby recommend the introduction and consideration of the Goa Preservation of Trees (Amendment) Bill, 2008, by the Legislative Assembly of Goa.

Raj Bhavan,  
Dona Paula, Goa.  
11<sup>th</sup> March, 2008.

Sd/-  
(S. C. JAMIR)  
Governor of Goa.

#### ANNEXURE

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#### Extract of sections 12, 15 and 35 of the Goa, Daman and Diu Preservation of Trees Act, 1984 (Act No. 6 of 1984)

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#### Section 12:

12. *Preservation of Trees.*— (1) Subject to the provisions of section 14, it shall be the duty of the owner of the land to comply with an order made under section 9, or a direction issued under section 10 or section 11 and to plant trees in accordance with such an order or direction and to ensure that they grow well and are well preserved.

(2) All the owners shall effectively protect all the trees growing in the lands or the areas under their control and where the Tree Officer is of the opinion that adequate measures have not been taken to protect the trees from any damage, he may direct the owner to take such measures as are considered necessary to protect trees from damage. In case of default, the tree officer may himself arrange such measures and recover the expenditure thereon from the owner in the prescribed manner.

#### Section 15:

15. *Appeal.*— (1) An appeal shall be against the order or direction of the Tree Officer under sections 9, 10, 11 and 12 to the Appellate Authority within a period of thirty days:

Provided that an appeal may be admitted after the expiry of the said period of thirty days if the appellant satisfies the appellate Authority that he had sufficient cause for not preferring the appeal within that period.

(2) Every appeal under this section shall be made by a petition in writing and shall be accompanied by a copy of the order or direction appealed against and shall be accompanied by a fee of rupees ten.

(3) In disposing of an appeal, the Appellate Authority shall follow such procedure as may be prescribed:

Provided that no appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.

#### Section 35:

35. *Power of the Government to give direction.*— The Government may from time to time give to the Tree Officers, other officers of the Tree Authority and officers subordinate to them general or special directions regarding the discharge of their functions and for carrying out effectively the purposes of this Act and such Tree Officers and other officers shall comply with the directions issued.

Assembly Hall,  
Porvorim, Goa.  
14<sup>th</sup> March, 2008.

(R. KOTHANDARAMAN)  
Secretary to the  
Legislative Assembly of Goa.

LA/LEGN/2008/3938

The following bill which was introduced in the Legislative Assembly of the State of Goa on 24th March, 2008 is hereby published for general information in pursuance of Rule - 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

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### The Goa Electricity Duty (Amendment) Bill, 2008

(Bill No. 6 of 2008)

A  
BILL

*further to amend the Goa, Daman and Diu Electricity Duty Act, 1986 (Act 7 of 1986).*

Be it enacted by the Legislative Assembly of Goa in the Fifty-ninth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Electricity Duty (Amendment) Act, 2008.

(2) It shall come into force with effect from the 1st day of April, 2008.

2. *Amendment of schedule.*— In this Schedule appended to the Goa, Daman and Diu Electricity Duty Act, 1986 (Act 7 of 1986),—

(I) in PART – A,–

(i) against item (a), for the figure “5”, the figures “18” shall be substituted;

(ii) against item (b), for the figure “8”, the figures “18” shall be substituted;

(iii) against item (c), for the figure “10” the figures “18” shall be substituted;

(II) in PART – B, for the figures “15”, wherever they occur, the figures “58” shall be substituted;

(III) in PART – C, for the figure “5”, wherever it occurs the figures “58” shall be substituted;

(IV) in PART – D, for the figure “5”, the figures “18” shall be substituted;

(V) in PART – E, for the figure “5”, the figure “18” shall be substituted;

(VI) Part – G shall be deleted.

### Statement of Objects and Reasons

At present, the responsibility of providing and maintaining the public lighting system is with the Electricity Department. The Government of India has also mandated that all States should strengthen transmission, sub-transmission and distribution network within the State on a priority basis. In order to mobilize additional revenue for aforesaid and to create proper infrastructure for electrical energy in the State, it is proposed to amend the Schedule appended to the Goa, Daman, and Diu Electricity Duty Act, 1986 (Act 7 of 1986) thereby increasing the duty on consumption of electricity energy, suitably.

This Bill seeks to achieve the above objects.

### Financial Memorandum

By increasing duty on the consumption of electrical energy as envisaged in the Bill, the Government is likely to earn on an average, additional annual revenue of rupees 99 crores.

### Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim – Goa. ALEXIO SEQUEIRA  
20th March, 2008. Minister for Power.

Assembly Hall, R. KOTHANDARAMAN  
Porvorim-Goa. Secretary to the Legislative  
20th March, 2008. Assembly of Goa.

### Governor's Recommendation

In pursuance of Article-207 of the Constitution of India, I, S. C. Jamir, Governor of Goa, hereby recommend to the Legislative Assembly, the introduction and consideration of the Goa Electricity Duty (Amendment) Bill, 2008.

### ANNEXURE

**Extract of Part C and Part E of the schedule appended to The Goa, Daman and Diu Electricity Duty Act, 1986 (Act No. 7 of 1986).**

### PART – C

In respect of –

General motive power service

Units generated and consumed per month	Paise/Unit
All units (for L. T. consumers)	4
All units (for H. T. consumers)	4

### PART - E

In respect of—

Irrigation pumping and agricultural purposes—

Units consumed per month	Paise/Unit
All units	2

Assembly Hall,  
Porvorim-Goa.  
20th March, 2008.

R. KOTHANDARAMAN  
Secretary to the Legislative  
Assembly of Goa.

LA/LEGN/2008/3939

The following bill which was introduced in the Legislative Assembly of the State of Goa on 24th March, 2008 is hereby published for general information in pursuance of Rule - 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

### The Goa Motor Vehicles Tax (Amendment) Bill, 2008

(Bill No. 17 of 2008)

A

BILL

*further to amend the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (Act 8 of 1974).*

Be it enacted by the Legislative Assembly of Goa in the Fifty-ninth Year of the Republic of India as follows:-

1. *Short title and commencement.*— (1) This Act may be called the Goa Motor Vehicles Tax (Amendment) Act, 2008.

(2) It shall come into force at once.

2. *Amendment of Schedule.*— In the Schedule appended to the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (Act 8 of 1974),—

(I) in PART 'A', under A,—

(i) in clause II, for the words "Goods Vehicles", wherever they occur, the words "Goods Vehicles belonging to individual other than Company/Institution/Corporation/etc" shall be substituted;

(ii) after clause II, the following clause shall be inserted, namely:— "IIA. Goods vehicles not covered under clause II:

Goods vehicles not covered under clause II of which the gross vehicle weight,—

- (i) is upto 1000 kgs. .... Rs.1000/-
- (ii) exceeds 1000 kgs. but does not exceed 2000 kgs. .... Rs.2000/-
- (iii) exceeds 2000 kgs. but does not exceed 3000 kgs. .... Rs.2500/-
- (iv) exceeds 3000 kgs. but does not exceed 4000 kgs. .... Rs.3000/-
- (v) exceeds 4000 kgs. but does not exceed 5000 kgs. .... Rs.3400/-
- (vi) exceeds 5000 kgs. but does not exceed 6000 kgs. .... Rs.4000/-
- (vii) exceeds 6000 kgs. but does not exceed 7000 kgs. .... Rs.4300/-
- (viii) exceeds 7000 kgs. but does not exceed 8000 kgs. .... Rs.5125/-
- (ix) exceeds 8000 kgs. but does not exceed 9000 kgs. .... Rs.5750/-
- (x) exceeds 9000 kgs. but does not exceed 10000 kgs. .... Rs.6125/-
- (xi) exceeds 10000 kgs. but does not exceed 11000 kgs. .... Rs.6625/-
- (xii) exceeds 11000 kgs. but does not exceed 12000 kgs. .... Rs.7250/-

- (xiii) exceeds 12000 kgs. but does not exceed 13000 kgs. .... Rs.7625/-
- (xiv) exceeds 13000 kgs. but does not exceed 14000 kgs. .... Rs.8000/-
- (xv) exceeds 14000 kgs. but does not exceed 15000 kgs. .... Rs.8625/-
- (xvi) exceeds 15000 kgs. but does not exceed 16500 kgs. .... Rs.9375/-
- (xvii) exceeds 1000 kgs. or part thereof in excess of 16500 kgs. .... Rs. 800/-";

(II) in PART 'B', under item (B),

(i) in clause (3), for the words "Any other motor vehicle", the words "Any other motor vehicle belonging to individual other than Company/Institution/Corporation/etc" shall be substituted

(ii) after clause (3), the following clause shall be inserted, namely:—

"(3A) Any other motor vehicles not covered under clause (3).

(i) 7% of the cost of the vehicle, for vehicles priced Rs. 6.00 lakhs and below.

(ii) 8% of the cost of the vehicle, for vehicles priced above Rs. 6.00 lakhs but not exceeding Rs.10.00 lakhs.

(iii) 10% of the cost of the vehicle, for vehicles priced above Rs.10.00 lakhs but not exceeding Rs. 25.00 lakhs.

(iv) 15% of the cost of the vehicle, for vehicles exceeding Rs. 25.00 lakhs."

### Statement of Objects and Reasons

The Bill seeks to amend the Schedule appended to the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (Act 8 of 1974) so as to have different slabs of road tax for vehicles belonging to individuals excluding Company/Institution/Corporation/etc., and providing separate slab of road tax for vehicles belonging to Company/Institution/Corporation/etc., as at present there is uniform rate of road tax for all vehicles without any distinction. This is a measure of additional resource mobilization.

This Bill seeks to achieve the above objects.

**Financial Memorandum**

The Bill seeks to amend the Schedule appended to the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (Act 8 of 1974) so as to have different slabs of road tax for vehicles belonging to individuals excluding Company/Institution/Corporation/etc. and providing separate slab of road tax for vehicles belonging to Company/Institution/Corporation/etc., as at present it is a uniform rate for all the vehicles. This would result in an increased revenue collection of rupees 4 crores per annum, approximately.

**Memorandum Regarding Delegated Legislation**

No delegated legislation is involved in this Bill.

Panaji,

11<sup>th</sup> March, 2008.

RAMKRISHNA (SUDIN) DHAVALIKAR  
Minister for Transport.

Assembly Hall,  
Porvorim-Goa.

11<sup>th</sup> March, 2008.

R. KOTHANDARAMAN  
Secretary to Legislative  
Assembly of Goa.

**Governor's Recommendation under Article 207 of the Constitution**

In pursuance of Article 207 of the Constitution of India, I, S.C. Jamir, the Governor of Goa, hereby recommend to the Legislative Assembly of Goa, introduction and consideration of the Goa Motor Vehicles Tax (Amendment ) Bill, 2008.

S. C. JAMIR,  
GOVERNOR  
11<sup>th</sup> March, 2008.

**ANNEXURE TO BILL No.17 of 2008****The Goa Motor Vehicles Tax (Amendment) Bill, 2008**

**The Goa, Daman and Diu Motor Vehicles Tax Act, 1974**

**"SCHEDULE"**  
**PART 'A' & 'B'**  
**SCHEDULE OF TAXATION**  
**(Section 3)**

(I) in part 'A', under 'A', \_\_\_\_\_

(i) for clause II, the following shall be substituted, namely:—

"II. Goods vehicles:

Goods vehicles of which the gross vehicle weight \_\_\_\_\_

- |   |         |
|---|---------|
| i) is up to 1000 kgs.   | 800/-   |
| ii) exceeds 1000 kgs. but does not exceed 2000 kgs.           | 1800/-  |
| iii) exceeds 2000 kgs. but does not exceed 3000 kgs.          | 2200/-  |
| iv) exceeds 3000 kgs. but does not exceed 4000 kgs.           | 2700/-  |
| v) exceeds 4000 kgs. but does not exceed 5000 kgs.            | 3100/-  |
| vi) exceeds 5000 kgs. but does not exceed 6000 kgs.           | 3600/-  |
| vii) exceeds 6000 kgs. but does not exceed 7000 kgs.          | 3900/-  |
| viii) exceeds 7000 kgs. but does not exceed 8000 kgs.         | 4100/-  |
| ix) exceeds 8000 kgs. but does not exceed 9000 kgs.           | 4600/-  |
| x) exceeds 9000 kgs. but does not exceed 10000 kgs.           | 4900/-  |
| xi) exceeds 10000 kgs. but does not exceed 11000 kgs.         | 5300/-  |
| xii) exceeds 11000 kgs. but does not exceed 12000 kgs.        | 5800/-  |
| xiii) exceeds 12000 kgs. but does not exceed 13000 kgs.       | 6100/-  |
| xiv) exceeds 13000 kgs. but does not exceed 14000 kgs.        | 6400/-  |
| xv) exceeds 14000 kgs. but does not exceed 15000 kgs.         | 6900/-  |
| xvi) exceeds 15000 kgs. but does not exceed 16500 kgs.        | 7500/-  |
| xvii) every 1000 kgs. or part thereof in excess of 16500 kgs. | 400/-"; |

(II) in part 'B', under item No.(B), for clause (3), the following shall be substituted, namely:—

"(3) Any other motor vehicle ....

(i) 5% of the cost of the vehicle for vehicles priced Rs. 6 lakhs and below.

(ii) 6% of the cost of the vehicle for vehicles priced above Rs. 6 lakhs".

Assembly Hall,  
Porvorim-Goa.  
11<sup>th</sup> March, 2008.

R. KOTHANDARAMAN  
Secretary to Legislative  
Assembly of Goa.

LA/LEGN/2008/3940

The following bill which was introduced in the Legislative Assembly of the State of Goa on 24th March, 2008 is hereby published for general information in pursuance of Rule - 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

## The Goa Appropriation Bill, 2008

(Bill No. 1 of 2008)

A

BILL

*to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Goa for the services and purposes of the financial year 2007-08.*

Be it enacted by the Legislative Assembly of Goa in the Fifty-ninth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Goa Appropriation Act, 2008.

2. *Issue of Rs. 286,08,25,000 out of the Consolidated Fund of the State of Goa for the financial year 2007-08.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule to this Act amounting in the aggregate to the sums of *Two hundred eighty six crores eight lakhs twenty five thousand rupees* towards defraying the several charges which will come in the course of payment during the financial year 2007-2008 in respect of the services and purposes specified in column (2) of the said Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Goa under this Act, shall be appropriated for the services and purposes expressed in the Schedule to this Act in relation to the said financial year.

### SCHEDULE

(See sections 2 and 3)

(Rs. in lakhs)

Demand No.	Services and purposes	Sums not exceeding		Total
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	
(1)	(2)	(3)	(4)	(5)
1	Legislature Secretariat	30.00	15.00	45.00
A1	Raj Bhavan (Charged)	—	25.00	25.00

(1)	(2)	(3)	(4)	(5)
2	General Administration and Coordination	308.98	—	308.98
3	District and Sessions Court, North Goa	24.00	—	24.00
5	Prosecution	4.00	—	4.00
6	Election Office	305.70	—	305.70
8	Treasury and Accounts Administration, North Goa	1300.00	—	1300.00
10	Notary Services	85.73	—	85.73
11	Excise	3.85	—	3.85
18	Jails	0.02	—	0.02
21	Public Works	5051.05	21.71	5072.76
23	Home	30.00	—	30.00
26	Fire and Emergency Services	77.52	—	77.52
30	Small Savings and Lotteries	50.00	—	50.00
31	Panchayats	40.00	50.37	90.37
32	Finance	1000.00	—	1000.00
33	Revenue	1.21	—	1.21
34	School Education	711.12	—	711.12
35	Higher Education	1399.00	9.00	1408.00
37	Government Polytechnic, Panaji	25.00	—	25.00
38	Government Polytechnic, Bicholim	28.32	—	28.32
39	Government Polytechnic, Curchorem	5.00	36.75	41.75
40	Goa College of Engineering	2.20	—	2.20
43	Art and Culture	337.33	5.02	342.35
44	Goa College of Art	2.33	—	2.33
47	Goa Medical College	845.00	—	845.00
48	Health Services	250.00	—	250.00
53	Food and Drugs Administration	5.51	—	5.51
56	Information and Publicity	410.00	—	410.00
57	Social Welfare	6646.25	—	6646.25
61	Craftsmen Training	144.00	—	144.00
63	Rajya Sainik Board	12.00	—	12.00
64	Agriculture	100.50	—	100.50
65	Animal Husbandry and Veterinary Services	20.00	—	20.00
66	Fisheries	113.00	—	113.00
68	Forests	449.10	4.30	453.40

(1)	(2)	(3)	(4)	(5)
70	Civil Supplies	15.60	—	15.60
71	Co-operation	165.00	—	165.00
72	Science, Technology and Environment	50.00	—	50.00
74	Water Resources	800.00	2.48	802.48
76	Electricity	5510.00	0.25	5510.25
77	River Navigation	55.00	20.55	75.55
80	Legal Metrology	5.50	—	5.50
82	Information Technology	1999.00	—	1999.00
TOTAL		<b>28417.82</b>	<b>190.43</b>	<b>28608.25</b>

### Statement of Objects and Reasons

The Supplementary Demands for Grants for the year 2007-2008 (First Batch) was presented to the Legislative Assembly on 14th January, 2008. This Bill is introduced in pursuance of Article 204 read with Article 205 of the Constitution of India to provide for appropriation of certain further sums from and out of the Consolidated Fund of the State of Goa, to meet the expenditure on certain services, granted by the Legislative Assembly for those services.

DAYANAND G. NARVEKAR  
Finance Minister.

Porvorim,  
24th March, 2008.

### Governor's Recommendation

The Governor has, in pursuance of Article 207 of the Constitution of India, recommended to the Legislative Assembly, the introduction and consideration of the Goa Appropriation Bill, 2008.

LA/LEGN/2008/3955

The following bill which was introduced in the Legislative Assembly of the State of Goa on 24th March, 2008 is hereby published for general information in pursuance of Rule - 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

## THE GOA TAX ON INFRASTRUCTURE (AMENDMENT) BILL, 2008

( BILL No. 3 of 2008 )

A

BILL

*further to amend the Goa Tax on Infrastructure Act, 1997 (Act 12 of 1997).*

Be it enacted by the Legislative Assembly of Goa in the Fifty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Tax on Infrastructure (Amendment) Act, 2008.

(2) It shall be deemed to have come into force on the 19th day of March, 2007.

2. *Amendment of section 2.*— In section 2 of the Goa Tax on Infrastructure Act, 1997 (Goa Act 12 of 1997) (hereinafter referred to as the “principal Act”),—

(i) after clause (4), the following clause shall be inserted, namely:—

“(4A) “industrial building” means any building constructed for the purpose of carrying out medium and large scale industrial activities within or outside the earmarked as industrial estates/areas but does not include buildings constructed for carrying out small scale industrial activity;”

(ii) in clause (6), the words “industrial enterprises” shall be omitted.

3. *Substitution of section 3.*— For section 3 of the principal Act, the following section shall be substituted, namely:—

“3. *Tax on Infrastructure.*— Any person who has constructed a multi-dwelling building or an industrial building, in respect of which the construction licence has been issued on or after 1-4-2006, shall, before grant of permission for occupation or use of such building, or part thereof, be liable to pay a tax at the rate of rupees forty per square meter of the floor area of such building as infrastructure tax.”.

4. *Amendment of section 5.*— In section 5 of the principal Act, in sub-section (1), for the expression “multi-dwelling building”, the expression “multi-dwelling building or industrial building, as the case may be,” shall be substituted.

5. *Amendment of section 7.*— In section 7 of the principal Act, for the expression “multi-dwelling building”, the expression “multi-dwelling building or industrial building, as the case may be,” shall be substituted.

6. *Repeal and Saving.*— (1) The Goa Tax on Infrastructure (Amendment) Third Ordinance, 2008 (Ordinance No. 3 of 2008) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken in exercise of the powers conferred by or under the principal Act, as amended by this Act.

### Statement of Objects and Reasons

In terms of section 3 of the Goa Tax on Infrastructure Act, 1997 (Goa Act 12 of 1997) (hereinafter referred to as the “said Act”), any person who has constructed a multi-dwelling building in respect of which the construction licence has been issued on or after 8-4-1997, shall be liable to pay a tax at the rate of rupees thirty per square meter of the floor area of such building or part thereof. The Goa Tax on Infrastructure (Amendment) Third Ordinance, 2008 (Ordinance No. 3 of 2008) (hereinafter referred to as the “said Ordinance”), was promulgated by the Governor of Goa on 29-2-2008 so as to enhance the said rate of infrastructure tax from rupees thirty per square metre to rupees forty per square metre and also to widen the tax base by bringing medium and large scale industries under the infrastructure tax net.

The Bill seeks to repeal the said Ordinance and amend sections 2 and 3 of the said Act.



Amendment to sections 5 and 7 are consequential in nature.

This Bill seeks to achieve the above objects.

### Financial Memorandum

The said Act is being implemented through certain Officers empowered to collect the tax. As no special machinery is appointed for this purpose, no financial expenditure is involved while implementing the Act. Secondly, it is not possible to make any estimate about the revenue generation at this stage, as the number of large and medium scale industries are presently being approved by the Goa Industrial Development Corporation in the designated industrial estates. On an average, an additional amount of about Rs. 30 lakhs will be generated by virtue of increase in the rate of infrastructure tax from Rs. 30 per square metre to Rs. 40 per square metre.

### Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Panaji, Goa. DIGAMBAR KAMAT  
Dated: 17th March, 2008. Hon. Chief Minister.

Assembly Hall, R. KOTHANDARAMAN  
Porvorim, Goa. Secretary to the Legislative  
Dated: 17th March, 2008. Assembly of Goa.

### Governor's Recommendation under Article 207 of the Constitution

In pursuance of Article 207 of the Constitution of India, I, S. C. Jamir, Governor of Goa, hereby recommend to the Legislative Assembly of Goa, the introduction and consideration of the Goa Tax on Infrastructure (Amendment) Bill, 2008.

### ANNEXURE

#### Extracts of Section 2, 3, 5 & 7 of Goa Tax of Infrastructure Act, 1997 as amended on 17-1-1998.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(1) "competent authority" means such authority or officer of the Government, as the Government may, by Notification in the Official Gazette, specify;

(2) "Government" means the Government of Goa;

(3) "local authority" means a Municipal Council constituted under the Goa Municipalities Act, 1968 (Act No. 7 of 1969) or a Panchayat constituted under the Goa Panchayat Raj Act, 1994 (Act No. 14 of 1994);

(4) "infrastructure" means the provision of potable water, electricity, and other amenities like roads, sewage system, etc.;

(5) "multi-dwelling building" includes any building consisting either of a single self contained unit having built up area of more than 100 sq. mts., or more than one independent unit used for domestic, commercial or office premises but does not include building constructed for educational institutions, industrial enterprises or by any other non-profitable organisations and such other organisations as may be notified by the Government in public interest.

3. *Tax on infrastructure.*— Any person who has constructed a multi-dwelling building in respect of which the construction licence has been issued on or after 8-4-1997, shall, before grant of permission for occupation or use of such building or part thereof, be liable to pay a tax at the rate of rupees thirty per square metre of the floor area of such building as infrastructure tax.

5. *Local authority not to issue occupancy certificate.*— (1) No local authority shall issue occupancy certificate to any multi-dwelling building unless the person applying for it produces a certificate from the competent authority that the tax due under this Act has been paid in respect of such building.

(2) No person shall occupy any building or part thereof unless the tax payable under this Act in respect of such building has been paid.

7. *Penalty.*— Whoever contravenes the provision of this Act shall, on conviction, be liable to imprisonment to a term not exceeding one year and also liable to pay as fine, twice the amount of tax payable under this Act in respect of the multi-dwelling building in respect of which the offence was committed.

Assembly Hall, R. KOTHANDARAMAN  
Porvorim, Goa. Secretary to the Legislative  
Dated: 17th March, 2008. Assembly of Goa.

LA/LEGN/2008/3956

The following bill which was introduced in the Legislative Assembly of the State of Goa on 25th March, 2008 is hereby published for general information in pursuance of Rule - 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

## THE GOA (REGULATION OF LAND DEVELOPMENT AND BUILDING CONSTRUCTION) BILL, 2008

(Bill No. 7 of 2008)

A

BILL

*to provide for the regulation and control on building construction and land development in the State of Goa and other incidental and ancillary matters connected therewith.*

Be it enacted by the Legislative Assembly of the State of Goa in the Fifty-ninth Year of the Republic of India as follows:—

### 1. *Short title, extent and commencement.*—

(1) This Act may be called the Goa (Regulation of Land Development and Building Construction) Act, 2008.

(2) It shall extend to the whole of the State of Goa.

(3) It shall be deemed to have come into force with effect from the 2nd day of September, 2007.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “building construction” shall have the same meaning assigned to :—

(i) “building operations” in clause (5) of section 2 of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975);

(ii) “building” in clause (2) of section 2 of the Goa Panchayat Raj Act, 1994 (Act 14 of 1994);

(iii) “to construct a building” in sub-section (1) of section 184 of Goa Municipalities Act, 1968 (Act 7 of 1969);

(iv) “building” in clause (8) of section 5 of the City of Panaji Corporation Act, 2002 (Act 1 of 2003);

(b) “Corporation” means the Corporation of the City of Panaji incorporated under section 7 of the City of Panaji Corporation Act, 2002 (Act 1 of 2003) or any other Corporation established under the provisions of any Law enacted by the Legislative Assembly of Goa;

(c) “engineering operations” includes the formation or the laying out of means of access to a road or the laying out of means of water supply, drainage, sewerage or of electricity cables or lines or of telephone lines;

(d) “Government” means the Government of Goa;

(e) “land development” with its grammatical variations and cognate expressions, means the carrying out of building, engineering, change on the face of land, mining, quarrying or other operations in or on or over or under the land, or the making of any material change in any building or land, or in the use of any building or land, and includes sub-division or amalgamation of land;

(f) “Municipal Council” means a Municipal Council established under section 8 of the Goa Municipalities Act, 1968 (Act 7 of 1969);

(g) “notification” means a notification published in the Official Gazette;

(h) “Official Gazette” means the Official Gazette of the Government;

(i) “Panchayat” means a Panchayat notified by the Government under sub-section (2) of section 3 of the Goa Panchayat Raj Act, 1994 (Act 14 of 1994);

(j) “Planning and Development Authority” means Planning and Development Authority constituted under section 20 of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975);

(k) “prescribed” means prescribed by rules made under this Act;

(l) “regulations” means the regulations framed under this Act;

(m) “State” means the State of Goa.

3. *Land development and building construction.*— (1) All land development and building construction in the State shall, subject to the provisions of section 9, be in accordance with the provisions of this Act and the rules and regulations made under the provisions of this Act.

(2) Any law in force in the State governing land development and building construction, in so far as it is inconsistent with the provisions of this Act or the rules and regulations made under the provisions of this Act, shall stand repealed.

*Explanation.*— In this section, unless the context otherwise requires, “law” includes any Ordinance, Orders, bye-laws, rules, regulations or notifications.

4. *Power to make regulations and rules.*— (1) The Government may, by notification in the Official Gazette, frame regulations not inconsistent with the provisions of this Act, for carrying out the provisions of this Act by following the procedure specified in sections 5, 6 and 7.

(2) In particular and without prejudice to the generality of the foregoing powers, the Government shall make regulations providing for:—

- (a) zoning of the land and its use;
- (b) general requirements for land development;
- (c) group housing;
- (d) sub-division of land including amalgamation of plots;
- (e) preservation and conservation;
- (f) procedure for seeking development permission from Corporation, Municipal Council, Panchayat and Planning and Development Authority;
- (g) any other aspect relating to planning and development.

(3) The Government may by notification in the Official Gazette, frame rules for carrying out the provisions of this Act.

(4) Every regulations and rules made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly of Goa.

5. *Public notice of the regulation.*— The power to make regulations under section 4 shall be subject to the condition of previous publication and such publication shall be made in the Official Gazette and in at least three local newspapers having wide circulation inviting objections and suggestions from the public for a period of thirty days.

6. *Steering Committee.*— (1) The Government may, by notification in the Official Gazette, appoint a “Steering Committee” consisting of the Chief Minister, Government of Goa, as its Chairman, the Minister for Urban Development, Minister for Panchayats, Minister for Town and Country Planning, Chief Secretary, Secretary to the Government of Goa in charge of Urban Development, Secretary to the Government of Goa in charge of Panchayats and Secretary to the Government of Goa in charge of Town and Country Planning, as its members. The Chief Town Planner of the Town and Country Planning Department shall be its Member Secretary. The Government may co-opt an expert having vast knowledge in the field of town planning on the said Committee.

(2) The Steering Committee shall appoint a Sub-Committee consisting of the Director of Municipal Administration, Director of Panchayats, the Chairman or member of the Goa Chamber of Commerce and Industry, the Chairman or member of the Goa Chamber of Housing Industry, a representative each of registered local Chapter/Associations of Town Planners, Engineers and Architects to consider objections and suggestions received from the public and to submit a report within a period of two months from the date of its appointment to the Steering Committee or within such further period as the Steering Committee may from time to time extend on request of the Sub-Committee. The Senior Town Planner shall be the Member Secretary of the said Sub-Committee.

(3) The Steering Committee and the Sub-Committee shall meet at such intervals and transact such business as may be prescribed.

(4) The Steering Committee shall, after considering the report of the Sub-Committee, submit its report together with recommendations to the Government within a period of thirty days from the date of receipt of the report of the Sub-Committee.

7. *Regulations.*— The Government shall, after receiving the report and recommendations of the Steering Committee, and after making such modifications as the Government considers necessary, direct the Chief Town Planner to notify the regulations.

8. *Notification and effect.*— On and from the date of the coming into force of the regulations framed under section 7, any land development and building construction in the State shall be in accordance with the provisions of such regulations.

9. *Interim provision, pending finalization of regulations.*— (1) All applications for land development permission or construction licenses for building submitted, before the date of commencement of regulations framed under section 7, shall be considered as per the law applicable before the commencement of this Act.

(2) (a) In respect of areas, which are not declared as planning areas under section 18 of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975), no objection certificate shall be necessary to be obtained from the Town and Country Planning Department from planning point of view.

(b) Any application for land development or construction of building received by the Panchayat/Municipal Council/Municipal Corporation shall be forwarded by the concerned authority to the respective district level/taluka level office of the Town and Country Planning Department for obtaining no objection certificate from planning point of view.

(3) The Town and Country Planning Department shall consider the applications for issuing of No Objection Certificate if it is satisfied after such scrutiny of plan and/or site inspection, deemed to be necessary, that the proposed land development and/or construction of building is in conformity with:—

(a) Regional Plan for the State in force and the Outline Development Plans/Zoning Plans in force prior to 16th May, 2007.

(b) Planning and Development Authority (Development Plan) Regulations, 2000, published in the Official Gazette, Extraordinary No. 3, Series I No. 22, dated 28th August, 2003,

with exception of regulations governing farm houses:

Provided that —

(a) no land development shall be permitted in any areas having gradient of more than 25 %;

(b) farm houses shall be permitted only in plots with minimum area of 4,000 square meters and coverage 2.5 % and F.A.R. 5 and height 5.5 meters, following the guidelines issued by the Town and Country Planning Department;

(c) the F.A.R in the areas regulated as per Surface Utilization Plans of Regional Plan shall be 80.

10. *Saving provision.*— (1) Any land development permission/construction licence for building, etc., issued under the relevant laws applicable before the commencement of this Act, shall remain valid for all purposes including renewals.

(2) Notwithstanding anything contained in sub-section (1), such development permission and/or construction licence for building shall not get immunity if such development permission or construction license is otherwise in accordance with this Act and rules and regulations framed thereunder.

11. *Repeal and Saving.*— (1) The Goa (Regulation of Land Development and Building Construction) Second Ordinance, 2008 (Ordinance No. 2 of 2008) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under this Act.

### Statement of Objects and Reasons

Presently, number of Acts are in force, in the State of Goa, namely, the Goa Town and Country Planning Act, 1974 (Act 21 of 1975), the Goa Panchayat Raj Act, 1994 (Act 14 of 1994), the Goa Municipalities Act, 1968 (Act 7 of 1969) and the City of Panaji Corporation Act, 2002 (Act 1 of 2003) which inter-alia deals with activities of land development and construction of buildings in the State. Also, the Planning and Development Authority (Development Plan) Regulations, 1989 and Planning and Development Authority

(Development Plan) Regulations, 2000 and Municipal Council Building Bye-laws and Regulations, 1987 are applicable.

The Municipal Council Building Bye-laws and Regulations, 1987 are basically building bye-laws. The zoning regulations are not covered comprehensively in the said bye-Laws. As such, there was a need to direct the concerned Authorities to follow the Planning and Development Authority (Development Plan) Regulations, 1989 and Planning Development Authority (Development Plan) Regulations, 2000 and the same were made applicable by the Government vide Circular No. 4-5-2-84-UDD-TCP-05-674 dated 25-2-2005.

Similarly, the Outline Development Plan of the area which is presently not in planning area and approved zoning plans for some areas were being followed in the respective areas based on minutes of the meeting held with the Hon'ble Chief Minister dated 5-10-1993.

The operation of the said Government Circular No. 4-5-2-84-UDD-TCP-05-674 dated 25-2-2005 and the minutes dated 5-10-1993 were stayed by the Hon'ble High Court of Bombay in it's interim Order dated 16-5-2007 passed in Writ Petition No. 265 of 2007. Thereafter, on 2-9-2007 the Goa (Regulation of Land Development and Building Construction) Ordinance, 2007 (Ordinance No. 5 of 2007) was promulgated by the Governor of Goa, which was re-promulgated by the Governor of Goa vide the Goa (Regulation of Land Development and Building Construction) Second Ordinance, 2008 (Ordinance No. 2 of 2008) on 27-2-2008.

This Bill seeks to empower the Government frame rules and regulations for land development and building construction. The Bill also envisages an interim provision to facilitate the authorities to follow the regulations, bye-laws and rules which are being followed until the new rules and regulations come into force.

The Bill also seeks to replace the Goa (Regulation of Land Development and Building Construction) Second Ordinance, 2008 (Ordinance 2 of 2008).

### Financial Memorandum

The provisions of this Bill will be implemented through certain officers in the Municipal Corporations, Municipal Councils, Village

Panchayats, Planning and Development Authorities and Town and Country Planning Department without involving any additional machinery and staff. The Bill seeks to empower the Government to frame rules and regulations which does not alter any revenue collection structure.

### Memorandum Regarding Delegated Legislation

Clause 4(1) of the Bill empowers the Government to frame regulations.

Clause 4(3) of the Bill empowers the Government to frame rules for implementation of the provisions of the Act.

Clause 6(1) of the Bill empowers the Government to appoint a Steering Committee by notification in the Official Gazette.

These delegations are of normal character.

Porvorim - Goa.  
Dated: 17-3-2008.

(DIGAMBAR KAMAT)  
Hon. Chief Minister.

Assembly Hall,  
Porvorim - Goa.  
Dated: 17-3-2008.

(R. KOTHANDARAMAN)  
Secretary to the Legislative  
Assembly of Goa.

LA/LEGN/2008/3957

The following bill which was introduced in the Legislative Assembly of the State of Goa on 25th March, 2008 is hereby published for general information in pursuance of Rule - 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

### The Goa Entertainment Tax (Amendment) Bill, 2008

(Bill No. 10 of 2008)

A

BILL

*further to amend the Goa Entertainment Tax Act, 1964 (Act 2 of 1964).*

Be it enacted by the Legislative Assembly of Goa in the Fifty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Entertainment Tax (Amendment) Act, 2008.

(2) It shall be deemed to have come into force on 13th day of October, 2007.

2. *Amendment of section 2.*— In section 2 of the Goa Entertainment Tax Act, 1964 (Act 2 of 1964) (hereinafter referred to as the “principal Act”), for clause (g), the following clause shall be substituted, namely:— “(g) “Commissioner” means the Commissioner of Entertainment Tax appointed under sub-section (1) of section 2A of this Act;”.

3. *Amendment of section 2A.*— In section 2A of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The Government shall appoint an Officer to be called the Commissioner of Entertainment Tax for carrying out the purposes of this Act.”;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The Government shall appoint an Additional Commissioner of Entertainment Tax, Assistant Commissioner of Entertainment Tax and such number of Entertainment Tax Officers as it deems necessary to assist the Commissioner in the execution of his functions under this Act.”;

(iii) sub-section (5) shall be omitted.

4. *Insertion of new section 10A.*— After section 10 of the principal Act, the following section shall be inserted, namely:—

“10A. *Delegation of powers.*— (1) The Government may, subject to such restriction and conditions, if any, as it may impose, by notification in the Official Gazette, delegate to the Commissioner or to any other officer, all or any of its powers (not being powers relating to the appointment of Additional Commissioner of Entertainment Tax or Assistant Commissioner of Entertainment Tax or other officers) under this Act.

(2) The Commissioner may, by order in writing and subject to such restrictions and conditions as may be specified therein, delegate any of his powers under this Act to any officer subordinate to him.”.

5. *Repeal and Saving.*— (1) The Goa Entertainment Tax (Amendment) Ordinance, 2007 (Ordinance No. 6 of 2007) is hereby repealed.

(2) Notwithstanding the repeal of Goa Entertainment Tax (Amendment) Ordinance, 2007 (Ordinance No. 6 of 2007), anything done or any action taken under the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

### Statement of Objects and Reasons

The Bill seeks to amend sections 2 and 2A of the Goa Entertainment Tax Act, 1964 (Act 2 of 1964), so as to enable the Government to make appointment of officers at different levels for the purpose of said Act. Further, the Bill seeks to insert a new section 10A in the said Act so as to empower the Government to delegate its powers under the said Act to Commissioner and to enable the Commissioner to delegate its powers to any officers subordinate to him.

As the Legislative Assembly of Goa was not in session and the above mentioned amendments were required to be carried out immediately, the Governor of Goa promulgated the Goa Entertainment Tax (Amendment) Ordinance, 2007 (Ordinance No. 6 of 2007), on the 13th day of October, 2007. The Bill seeks to replace the said Ordinance.

This Bill seeks to achieve the above objects.

### Financial Memorandum

No financial implications are involved in this Bill.

### Memorandum Regarding Delegated Legislation

Clause 4 of Bill empowers the Government to delegate to the Commissioner its power under the Act, by notification in the Official Gazette. Clause 4 of the Bill also empowers the Commissioner to delegate his powers under the Act to any officer subordinate to him by order in writing.

These delegations are of normal character.

Assembly Hall, DAYANAND G. NARVEKAR  
Porvorim-Goa. Minister for Finance.  
14th March, 2008.

Assembly Hall, R. KOTHANDARAMAN  
Porvorim - Goa. Secretary to the Legislative  
14th March, 2008. Assembly of Goa.

### Governor's Recommendation under Article 207 of the Constitution

In pursuance of Article 207 of the Constitution of India, I, S. C Jamir, the Governor of Goa, hereby recommends to the Legislative Assembly of Goa, the introduction and consideration of the Goa Entertainment Tax (Amendment) Bill, 2008.

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#### Extract of the Goa Entertainment Tax Act, 1964 (Goa Act 2 of 1964)

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2. *Definitions*:— In this Act unless there is any thing repugnant in the subject or context.

(a) **"Admission to any entertainment"** includes admission to any place in which the entertainment is held;

(b) **'Antennae'** means an apparatus which receive television signals that enables viewers to tune into transmission including national or international satellite transmission or moving pictures or series of pictures, by means of transmission of television signals by wire where subscriber's television sets at the residential or non-residential places are linked by metallic co-axial or optic fiber cable to a central system, called headend;

(c) **'Cable television'** means a system organized for exhibition of films or moving pictures or series of pictures by means of transmission of television signals by wire where subscriber's television set is linked by metallic co-axial cable or optic fibre cable to a control system called the 'headend' and, by using a video cassette or disc or both, recorder or player or similar such apparatus on which pre-recorded video cassettes or disc or both are played or replayed and the films or moving pictures or series of pictures which are viewed and heard on television receiving set at a residential or a non-residential place of a connection holder,."

(d) **'Cable operator'** means any person who provides cable service through a cable television network or otherwise controls or is responsible for the management and operation of a cable television network;

(e) **'Cable service'** means the transmission by cables of programmes including re-transmission by cables of any broadcast of television signals;

(f) **'Cable television network'** means any system consisting of a set of closed transmission paths and associated signal generation, control and distribution equipments, designed to provide cable services, for reception by multiple subscribers;

(g) **'Commissioner'** means the Commissioner of Entertainment Tax appointed under sub-section (1) of section 2A and includes an Additional Commissioner of Entertainment Tax;

(h) **"Complimentary ticket"** means a ticket or pass for admission to any entertainment free of any payment or at a reduced rate of payment for such admission;

(i) **'Distributor'** means any person who is engaged in selling, supplying or distributing or making available on rental or hire basis feature films for exhibition of cinematograph show or providing cable television network by means of any system consisting of a set of closed transmission parts and associated signal generation, control and distributing equipments, designed to provide cable service for reception by multiple subscribers and/or cable operator whether for cash or for deferred payment, or for rental or for hire charges or for payment in any ratio or any proportion to the total payment in respect of the said sale/services;

(j) **Entertainment** with its grammatical variations and cognate expressions means,—

(1) Cinematograph show including video shows to which persons are admitted on payment or exhibition of films or moving pictures which are viewed and heard on the television receiving set, with the aid of any type of antennae with the cable network attached to it or cable television for which persons are required to make payment by way of contribution or subscription or installation and connection charges or any other charges collected in any manner whatsoever.";

(2) A horse race either live or displayed for viewing through any electronic media connected with the help of the server application or otherwise to which persons are admitted on payment;

(3) Any amusement or exhibition or performance or pageant or a game or a sport, whether held indoor or outdoor, to which the persons are admitted on payment;

(4) River/boat cruise or boat rides or water sports or para sailing or boat skiing or motor cart rides or any other similar activities of entertainment;

(5) Casinos and Casino games on slot machines, cyber cafe and/or pool parlours, disco and any other entertainment provided by clubs/organisations/ /institutions/individuals for commercial purpose but will not include entertainment defined separately;

(6) Dance performances, musical performances, theatrical performances including cultural programmes, drama, ballets to which persons are admitted on payments;

(7) Circus to which persons are admitted on payment;

(8) DTH (Direct to Home) disc service for which persons are required to make payment by way of contribution or subscription or installation and any other charges collected in any manner whatsoever;

[Amendment of section 2] [Act 20 of 2006 w.e.f. 1-9-2006]

(k) **"Government"** means the Government of the State of Goa;

(l) **"Month"** means a calendar month;

[Amendment of section 2] [Act 20 of 2006 w.e.f. 1-9-2006]

(m) **'Payment for admission'** means the amount paid for admission and includes—

(i) any payment for seats or other accommodation in a place of entertainment;

(ii) any payment made for the loan or use of any instrument or contrivance which enables a person to get a normal or better view or hearing of the entertainment which, without the aid of such instrument or contrivance such person would not get;

(iii) any payment for any purpose whatsoever connected with an entertainment or for a programme of synopsis thereof which a person is required to make as a condition of attending or continuing to attend the entertainment in addition to the payment, if any, for admission to the entertainment;

(iv) any payment made by a person who having been admitted to one part of a place of entertainment is subsequently admitted to another part thereof for admission to which a payment involving tax or more tax is required;

(v) any payment made by a person or persons for having admitted for viewing any games or race or a show connected through any electronic media or services either with the help of server or control room ;

*Explanation.*— (1) Where any amount is separately charged on the ticket for admission as tax, the amount so collected by way of tax under this Act shall not form the part of payment for admission;

(2) Where any amount is charged as composite fee for the services rendered, without indicating the amount separately charged for payment for admission, such fees, when exceeding the amount of exemption so specifically provided, shall be deemed to have included the amount for payment for admission for the purpose of levy under this Act."

(n) **"Person"** includes an individual, any Government, any company whether incorporated or not, society, club, association or body of individuals, a Hindu undivided family, a firm, a local authority, and every artificial juristic person not falling within any of the preceding descriptions;"

[Amendment of section 2][Act 20 of 2006 w.e.f. 1-9-2006]

(o) **"Place of entertainment"** means a place where the entertainment is held and includes the operating office and the place from where the entertainment is provided by means of cable connections from any type of antennae with the cable network attached to it or cable television or any off course betting center run by any club or association or individual for viewing any game or races or show connected through electronic media and such other place where account and other documents connected with the entertainment are kept;"

[Amendment of section 2][Act 20 of 2006 w.e.f. 1-9-2006]

(p) **"Prescribed"** means prescribed by rules made under this Act;

[Amendment of section 2][Act 20 of 2006 w.e.f. 1-9-2006]

(q) **'Proprietor'** in relation to any entertainment includes any person or a club or an institution or any organization responsible for or for the time being in charge of the management thereof or any person or persons conducting, organising, sponsoring or patronising any such entertainments;"

[Amendment of section 2][Act 20 of 2006 w.e.f. 1-9-2006]

(r) **"Subscriber"** means a person who receives the signals of cable television network at a place indicated by him to the cable operator, without further transmitting it to any other person;"

[Amendment of section 2][Act 20 of 2006 w.e.f. 1-9-2006]

(s) **"Tax"** or **"Entertainment Tax"** means tax leviable under section 3 and under section 3E of this Act;"

[Amendment of section 2][Act 20 of 2006 w.e.f. 1-9-2006]



(t) **"Schedule"** means schedule appended to this Act;".

(u) **"Year"** means a financial year.".  
[Amendment of section 2][Act 20 of 2006 w.e.f. 1-9-2006]

(v) **"Tribunal"** means Tribunal constituted as per section 2B.".  
[Amendment of section 2][Act 20 of 2006 w.e.f. 1-9-2006]

## 2A. Taxing Authorities.—

(1) The Government shall appoint an officer to be called "Commissioner and/or Additional Commissioner".

(2) The Government shall appoint an Assistant Commissioner of Entertainment Tax and such number of Entertainment Tax Officers as it deems necessary to assist the Commissioner in the execution of his function under this Act.

(3) The Commissioner may appoint such number of,— Assistant Entertainment Tax Officers; Entertainment Tax Inspectors; and

Other officers and such ministerial staff as he thinks necessary to assist him in the execution of his functions under this Act.

(4) The Commissioner and all other Officers and persons appointed under this section shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

(5) The Government may, subject to such conditions and restrictions as it may impose, by notification in the Official Gazette, delegate to the Commissioner the powers (not being powers relating to the appointment of Additional Commissioner of Entertainment Tax, Assistant Commissioner of Entertainment Tax and Entertainment Tax Officers conferred on the Government by sub-section (1) and sub-section (2).

(6) The Commissioner and all officers and persons appointed under this Act shall exercise such powers as may be conferred and perform such duties as may be required by or under this Act.

(7) The superintendence and control for the proper execution of the provisions of this Act and rules made thereunder relating to the levy and collection of the tax shall vest in the Commissioner."

[Amendment of section 2A][Act 20 of 2006 w.e.f. 1-9-2006]

## 10. Powers of Commissioner.—

(1) In discharging his functions under this Act, the Commissioner shall have all the powers of a Civil Court for the purpose of,—

(a) proof of facts by affidavit;

(b) summoning and enforcing the attendance of any person, and examining him on oath or affirmation;

(c) compelling the production of documents; and

(d) issuing commissions for the examination of witnesses.

(2) In the case of any affidavit to be made for the purpose of this Act, any Officer appointed by the Commissioner may administer the oath to the deponent.

(3) Without prejudice to the provisions of any other law for the time being in force, where a person, to whom a summon is issued by the Commissioner either to attend to give evidence or produce books of accounts, registers or other documents at a certain place and time, intentionally omits to attend or produce the documents at the place and time, the Commissioner may impose on him such fine not exceeding one thousand rupees as he thinks fit and the fine so levied may be recovered in the manner provided in this Act for recovery of arrears of tax:

Provided that, before imposing any such fine, the person concerned shall be given a reasonable opportunity of being heard.

(4) If any documents are produced by a person on whom a summon was issued by the Commissioner, and the Commissioner has reason to believe that any proprietor or person has evaded or is attempting to evade the payment of any tax due from him and the documents produced are necessary for establishing the case against such proprietor or person, the Commissioner may, for reasons to be recorded in writing, impound the documents and shall grant a receipt for the same, and shall retain the same for so long as may be necessary in connection with the proceedings under this Act, or for a prosecution."

[Substitution of section 10][Act 20 of 2006 w.e.f. 1-9-2006]

Assembly Hall,  
Porvorim - Goa.  
14th March, 2008.

R. KOTHANDARAMAN  
Secretary to the Legislative  
Assembly of Goa.

LA/LEGN/2008/3958

The following bill which was introduced in the Legislative Assembly of the State of Goa on 25th March, 2008 is hereby published for general information in pursuance of Rule - 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

**THE GOA SALARY, ALLOWANCES AND  
PENSION OF MEMBERS OF THE  
LEGISLATIVE ASSEMBLY  
(AMENDMENT) BILL, 2008**

(BILL No. 9 of 2008)

A

BILL

*further to amend the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 2004 (Act 20 of 2004).*

Be it enacted by the Legislative Assembly of the State of Goa in the Fifty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Act, 2008.

(2) It shall come into force at once, except sections 5 and 6 which shall be deemed to have come into force with effect from the 27<sup>th</sup> day of August, 2007.

2. *Omission of section 4.*— Section 4 of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 2004 (Act 20 of 2004) (hereinafter referred to as the “principal Act”), shall be omitted.

3. *Amendment of section 9.*— In section 9 of the principal Act, for the words “eight thousand rupees”, the words “twenty six thousand rupees” shall be substituted.

4. *Omission of section 10.*— Section 10 of the principal Act shall be omitted.

5. *Amendment of section 11.*— In section 11 of the principal Act, in sub-section (1), in the fourth proviso, for the expression “male children of the person as aforesaid till they attain the age of 18 years”, the expression “dependent family members of the person as aforesaid till they attain the age of 25 years” shall be substituted.

6. *Amendment of section 17.*— In section 17 of the principal Act, for the words “his wife”, the words “his immediate dependent family members” shall be substituted.

7. *Omission of section 18.*— Section 18 of the principal Act shall be omitted.

8. *Insertion of new section 20A.*— After section 20 of the principal Act, the following new section shall be inserted, namely:—

“20A. *Computer to the ex-members.*— Every person who is not a sitting member but has served for any period as a member shall, once during his lifetime, be provided with, either a lap top or a desktop computer, as per the choice of the ex-member concerned, and the total cost whereof which shall be borne by the Legislature Secretariat shall not exceed Rs. 50,000/- (Rupees fifty thousand only).”.

9. *Omission of section 21.*— Section 21 of the principal Act shall be omitted.

10. *Amendment of section 23.*— In section 23 of the principal Act, for the figures and word “19, 21 and 22”, the figures and word “19 and 22” shall be substituted.

11. *Repeal and saving.*— (1) The Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Ordinance, 2007 (Ordinance No. 3 of 2007), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act was in force on the day on which such thing or action was done or taken.

### **Statement of Objects and Reasons**

The Bill seeks to amend the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 2004 (Act 20 of 2004) so as to omit sections 4, 10, 18 and 21 thereof in view of certain difficulties faced by the Members in respect of the allowances admissible under the said sections and accordingly amend section 9 thereof so as to merge the allowances admissible under the aforesaid sections in said section 9. Amendment to section 23 of the Act is consequential in nature.

The Bill also seeks to amend the fourth proviso to sub-section (1) of section 11 of the Act, 2004, so as to provide that the pension shall be payable to the dependent family members after the death of the member and the death of his/her widow/

/widower, till they attain the age of 25 years. Further, the Bill seeks to amend section 17 of the said Act, 2004, so as to provide that immediate dependent family members of ex-member of Legislative Assembly shall also be entitled for medical treatment.

Further, it is also proposed to insert a new section 20A in the Act, 2004, so as to entitle ex-member for either a lap top or a desktop computer, once during his lifetime, the cost whereof to be borne by the Legislature Secretariat to the maximum extent of Rs. 50,000/- (Rupees fifty thousand only).

The Bill also seeks to repeal the Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Ordinance, 2007 (Ordinance No. 3 of 2007), promulgated by the Governor of Goa on 27-08-2007.

This Bill seeks to achieve the above objects.

### Financial Memorandum

The proposed omission of sections 4, 10, 18 and 21 and amendment of section 9 of the Act do not entail any additional financial implications as the allowances available under the said sections are presently drawn by the Members.

Clause 5 of the Bill provides that the pension shall be payable to the dependent family members of a member of the Legislative Assembly after the death of the member and the death of his/her widow/widower, till they attain the age of 25 years. Further, clause 6 of the Bill provides that immediate dependent family members of ex-members of the Legislative Assembly shall also be entitled to medical treatment.

Clause 8 of the Bill provides for supply of computer, either lap top or desktop, to the ex-member of the Legislative Assembly, the cost whereof is to be borne by the Legislature Secretariat to the maximum extent of Rs. 50,000/- (Rupees fifty thousand only).

The Bill, after enactment, will have financial burden on the exchequer which cannot be quantified at this stage.

### Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim, Goa.  
24<sup>th</sup> March, 2008.

DAYANAND G. NARVEKAR,  
Minister for Law, Judiciary and  
Legislative Affairs.

Assembly Hall,  
Porvorim, Goa.  
24<sup>th</sup> March, 2008.

R. KOTHANDARAMAN,  
Secretary to the Legislative  
Assembly of Goa.

### Governor's Recommendation under Article 207 of the Constitution

In pursuance of Article 207 of the Constitution of India, I, S. C. Jamir, Governor of Goa, hereby recommend the introduction and consideration of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Bill, 2008, by the Legislative Assembly of Goa.

### ANNEXURE

Extract of sections 4, 9, 10, 11, 17, 18, 21 and  
23 of the Goa Salary, Allowances and Pension  
of Members of the Legislative Assembly  
Act, 2004 (Act 20 of 2004)

#### Section 4

4. *Consolidated allowance.*— A member shall, during his term of office, be entitled to receive a consolidated allowance at the rate of five thousand rupees per month to cover conveyance, postage, stationery and constituency expenses.

#### Section 9

9. *Constituency allowance.*— Notwithstanding anything contained in any other law for the time being in force, there shall be paid to each member a constituency allowance at the rate of eight thousand rupees per every calendar month or a part thereof, during the term of the Assembly.

#### Section 10

10. *Constituency office allowance.*— A member using a premises in his constituency for the purpose of his office shall be entitled for an allowance of rupees four thousand per month.

## Section 11

11. *Pension.*— (1) Subject to the other provisions of this Act, with effect from the 1st day of July, 2004, there shall be paid to every person who has been a member, a pension of rupees five thousand per mensem for the first year and one thousand rupees per month for every successive year of his membership in the Assembly subject to a maximum of rupees twenty seven thousand per month and while reckoning the period of one year, days exceeding 180 days in a calendar year shall be counted as one year:

Provided that the members of the First Legislative Assembly, the members nominated to the Second Legislative Assembly and the members of the Sixth Legislative Assembly elected from the constituencies of Daman and Diu, of the then Union Territory of Goa, Daman and Diu, and who have served as such members for a period which falls short of five years, shall be deemed to have completed a term of five years and be paid pension accordingly:

Provided further that pension shall also be paid to the members nominated to the Sixth Legislative Assembly:

Provided also that the said members of the Sixth Legislative Assembly elected from the constituencies of Daman and Diu shall not draw the pension as long as they served as Councillors of the Union Territory of Daman and Diu:

Provided also that after the death of the person as aforesaid, the pension shall be payable to his widow or her widower, as the case may be, as long as she or he does not remarry and after the death of the widow or widower, as the case may be, the pension shall be payable to the male children of the person as aforesaid till they attain the age of 18 years and to unmarried dependent daughter till she gets married or till her death, whichever is earlier, and such pension shall be payable subject to the provisions in the succeeding sub-sections of this section and the other provisions of this Act.

(2) The pension payable to a person under sub-section (1), in case there be any outstanding amount or loan or any facilities availed under this Act, it shall be first adjusted towards repayment of such outstanding amount or loan or any facility availed of, including interest payable thereon, till such entire outstanding amount or loan or facility is cleared.

(3) Where any person entitled to pension under sub-section (1)—

(i) is elected to the office of the President or Vice-President or is appointed to the office of the Governor of any State or the Administrator of any Union Territory; or

(ii) becomes a member of the Council of States or the House of the People or any Legislative Assembly of a State or Union Territory or any Legislative Council of a State; or

(iii) is employed on a salary under the Central Government, or any State Government or any Corporation owned or controlled by the Central Government or by any State Government or any local authority or becomes otherwise entitled to any remuneration from such Government, Corporation or local authority, such person shall not be entitled to any pension under sub-section (1) for the period during which he continues to hold such office or as such member, or is so employed, or continues to be entitled to such remuneration:

Provided that where the salary payable to such person for holding such office or being such member or so employed or whom the remuneration referred to in clause (iii) payable to such person is, in either case, less than the pension payable to him under sub-section (1), such person shall be entitled only to receive the balance as pension under that sub-section.

(4) Where any person entitled to pension under sub-section (1) is also entitled to any pension from the Central Government or any State Government, or any corporation owned or controlled by the Central Government or any State Government, or any local authority under any law or otherwise, then,

(a) where the amount of pension to which he is entitled under such law or otherwise, is equal to or in excess of that to which he is entitled under sub-section (1), such person shall not be entitled to any pension under that sub-section; and

(b) where the amount of pension to which he is entitled under such law or otherwise, is less than that to which he is entitled under sub-section (1), such person shall be entitled to pension under that sub-section only of an amount which falls short of the amount of pension to which he is otherwise entitled under that sub-section:

Provided that any pension (whether known as Swantantra Sainik Samman pension or by any other name) received by such pensioner as a freedom fighter or any pension received by such pensioner as a teacher in an aided educational institution shall not be taken into account for the purpose of this sub-section and such person shall be entitled to receive such pension in addition to the pension to which he is entitled under sub-section (1).

(5) In computing the number of years for the purpose of sub-section (1), the period during which a person has served as a Minister as defined in the Goa Salaries and Allowances of Ministers Act, 1964 (Act 3 of 1965) or as a Speaker or Deputy Speaker as defined in the Goa

Salaries and Allowances of the Speaker and Deputy Speaker Act, 1964 (Act 4 of 1965) shall also be taken into account.

### Section 17

17. *Medical treatment to ex-members.*— Every person who is not a sitting member but has served for any period as a member, and his wife, shall be entitled, free of charge, to accommodation in hospitals maintained by the Government and also to medical treatment as prescribed and the medical bills shall be submitted to the Speaker or to the panel referred to in sub-section (2) of section 16, as the case may be, for sanction, in the manner prescribed.

### Section 18

18. *Telephone facilities.*— Where telephone facilities are available at the place declared by a member to be his head-quarters, he shall be entitled to have a telephone at his residence, or at the place where he ordinarily conducts his work relating to the Assembly subject to the condition that he shall meet the cost of the installation of such telephone in full and that, in regard to the recurring charges, he shall be entitled to telephone allowance of Rs. 5000/- per month.

### Section 21

21. *Reimbursement of electricity and water charges.*— A member shall be entitled for reimbursement of the monthly electricity and water consumption charges in respect of his place of residence subject to a maximum amount of Rs. 4,000/- (Rupees four thousand only) per month.

### Section 23

23. *Certain sections not to apply to Chief Minister, Minister, etc.*— The provisions of sections 3, 13, 14, 19, 21 and 22 of this Act shall not be applicable to a member who is appointed as the Chief Minister, a Minister, a Minister of State, a Deputy Minister, or elected as the Speaker or Deputy Speaker.

Assembly Hall,  
Porvorim, Goa.  
24<sup>th</sup> March, 2008.

R. KOTHANDARAMAN  
Secretary to the Legislative  
Assembly of Goa.

LA/LEGN/2008/3959

The following bill which was introduced in the Legislative Assembly of the State of Goa on 25th March, 2008 is hereby published for general information in pursuance of Rule - 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

## The Goa Municipalities (Amendment) Bill, 2008

(Bill No. 5 of 2008)

A

BILL

*further to amend the Goa Municipalities Act, 1968 (Act 7 of 1969).*

Be it enacted by the Legislative Assembly of Goa in the Fifty-ninth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Municipalities (Amendment) Act, 2008.

(2) It shall be deemed to have come into force, on the 14th day of December, 2007.

2. *Amendment of section 2.*— In section 2 of the Goa Municipalities Act, 1968 (Act 7 of 1969), for clause (36), the following clause shall be substituted, namely:—

“(36) “population” means the population as ascertained at the last preceding Census of which the relevant figures have been published, but where figures of Census are not available, the population shall be ascertained from other relevant authenticated records maintained by the Government”.

3. *Repeal and saving.*— (1) The Goa Municipalities (Amendment) Ordinance, 2007 (Ordinance No. 7 of 2007), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act, as if this Act was in force on the day on which such thing or action was done or taken.

### Statement of Objects and Reasons

The term “population” as defined in clause (36) of section 2 of the Goa Municipalities Act, 1968 (Act 7 of 1969), (hereinafter referred to as the “said Act”) means the population as ascertained at the last preceding Census of which the relevant figures have been published. The

Bill seeks to amend said clause (36) of section 2 of the said Act so as to provide that where figures of Census are not available, the population shall be ascertained from other relevant authenticated records maintained by the Government.

The Bill also seeks to repeal the Goa Municipalities (Amendment) Ordinance, 2007 (Ordinance No.7 of 2007), promulgated by the Governor of Goa on 14-12-2007.

This Bill seeks to achieve the above objects.

### Financial Memorandum

No financial implications are involved in this Bill.

### Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim-Goa. (JOAQUIM ALEMAO)  
19th March, 2008. Minister for Urban Development.

Assembly Hall, (R. KOTHANDARAMAN)  
Porvorim-Goa. Secretary to the Legislative  
19th March, 2008. Assembly of Goa.

### ANNEXURE

#### Extract of the clause (36) of the section 2 of the Goa Municipalities Act, 1968

(36) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;

Assembly Hall, (R. KOTHANDARAMAN)  
Porvorim-Goa. Secretary to the Legislative  
19th March, 2008. Assembly of Goa.

LA/LEGN/2008/3960

The following bill which was introduced in the Legislative Assembly of the State of Goa on 25th March, 2008 is hereby published for general information in pursuance of Rule - 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

## The Goa Medical Practitioners (Amendment) Bill, 2008

(Bill No. 12 of 2008)

A

BILL

to amend the Goa Medical Practitioners Act, 2004 (Act 9 of 2004)

Be it enacted by the Legislative Assembly of Goa in the Fifty-ninth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Medical Practitioners (Amendment) Act, 2008.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*— In section 2 of the Goa Medical Practitioners Act, 2004 (Act 9 of 2004) (hereinafter referred to as the "principal Act"), (i) after clause (f), the following clause shall be inserted, namely:—

"(ff) "diagnostic Centre" means any premises including the precincts thereof wherein the diagnosis of symptoms to decide the cause or nature of disease in humans is carried on with aid of instruments or equipments under the supervision of a qualified person deemed for that particular investigation;"

(ii) after clause (o), the following clause shall be inserted, namely:—

"(oo) "pathological Laboratory" means any premises including the precincts thereof wherein scientific investigations of human blood, excreta, urine, tissue, other body fluids, etc., is carried out to find the aetiology/ causes/nature of the disease with the aid of instruments/equipments under the supervision of a qualified Pathologist;"

3. *Amendment of section 3.*— After section 3 of the principal Act, the following section shall be inserted, namely:—

"3A. *Diagnostic Centre, Pathological Laboratory to be licenced.*— On and from the

date of coming into force of the Goa Medical Practitioners (Amendment) Act, 2008, no person shall establish, run or maintain a Pathological Laboratory or a Diagnostic Centre in the State of Goa except under and in accordance with the terms and conditions of a licence granted under the provisions of this Act and the rules made thereunder:

Provided that any person in charge of or entrusted with, the management or running of a pathological laboratory or diagnostic centre, in operation before the commencement of the Goa Medical Practitioners (Amendment) Act, 2008, shall also apply for a licence to the competent authority in such form and manner and on payment of such fees as may be prescribed from time to time, within a period of one year from such day as may be notified by the Government in this behalf and pending orders thereon, may continue to run such pathological laboratory or diagnostic Centre subject to the provisions of this Act.”.

4. *Amendment of section 5.*— In section 5 of the principal Act, after the words “or dentistry” and before the words “in the State of Goa”, the expression “or every person desiring to establish or run or maintain a Diagnostic Centre or Pathological Laboratory” shall be inserted.

5. *Amendment of section 7.*— In section 7 of the principal Act, (i) after clause (c), the following clauses shall be inserted, namely:—

“(d) whether the premises housing the pathological laboratory and diagnostic centre is adequately suitable, hygienically or otherwise;

(e) whether the pathological laboratory and diagnostic centre is adequately staffed with qualified medical practitioners, pathological technicians, paramedical and other technical staff, as the case may be, and conforms to the specified standards concerning laboratories, instruments or equipments and other facilities;

(f) whether the facility for disposing bio-medical waste as per the provisions of the Bio-Medical Waste (Management and Handling) Rules, 2003, is available;”;

(ii) existing clause (d) shall be renumbered as clause (g) thereof.

6. *Amendment of section 13.*— In section 13 of the principal Act,

(i) for the words “private doctor”, wherever they occur, the expression “private doctor or pathological laboratory or diagnostic centre” shall be substituted;

(ii) in sub-section (2), for the words “said doctor”, the expression “said doctor or person in charge of pathological laboratory or diagnostic centre” shall be substituted.

7. *Amendment of section 14.*— In section 14 of the principal Act, in sub-section (1), for the words “private doctor”, the expression “private doctor or person in charge of pathological laboratory or diagnostic centre” shall be substituted.

8. *Amendment of section 15.*— In section 15 of the principal Act, in sub-section (1), for the word “five”, the words “twenty five” and for the word “ten”, the words “fifty”, shall be substituted.

9. *Amendment of section 18.*— In section 18 of the principal Act, in sub-section (2) in clause (b) for the expression “sections 3 and 5”, the expression “sections 3, 3-A and 5” shall be substituted.

### Statement of Objects and Reasons

There are number of private Hospitals/Nursing Homes/Pathological Laboratories/Diagnostics Centres in operation in the State of Goa. Most of these Hospitals/Nursing Homes are registered with the Association of Private Nursing Homes, Goa. Pathological Laboratories and Diagnostic Centres is around approximately 80.

This legislation is intended not only to recognize Pathological Laboratories and Diagnostic Centres, but also to have effective control over them so that they conform to the prescribed minimum standards of the cleanliness, hygiene etc. in the interest of the patient care.

This Bill seeks to achieve the above objects.

### Financial Memorandum

There are no financial implications involved on the part of the Government. On the contrary, some revenue will be generated by way of imposition of fines for contravening any of the provisions of the Act.

## Memorandum regarding delegated legislation

Clause 3 of the Bill empowers the Government to frame the rules as regards the establishment, running or maintenance of Pathological laboratory or Diagnostic Centre. Further, said clause 3 also empowers the Government to frame rules to specify the form of a Application for license, the manner of Application and the fees to be paid by a Laboratory or Diagnostic Centre in operation before the commencement of this Act.

Clause 3 further empowers the Government to notify the date within which the application shall be made.

These delegations are of normal character.

Porvorim-Goa.  
21st March, 2008.

VISHWAJIT RANE  
Minister for Health.

Assembly Hall,  
Porvorim-Goa.  
21st March, 2008.

R. KOTHANDARAMAN  
Secretary to the Legislative  
Assembly of Goa.

## ANNEXURE

### Extract of the sections, 2, 3, 5, 7, 13, 14, 15 and 18 of the

### Goa Medical Practitioners Act, 2004 (Act 9 of 2004)

## Section 2

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “appointed day” means the date on which the provisions of this Act shall come into force;

(b) “appellate authority” means any person or persons or authority appointed by the Government to perform the functions of appellate authority under this Act, and different persons or authorities may be appointed to perform different functions;

(c) “Central Government” means the Government of India;

(d) “competent Authority” means any person or persons or authority appointed by the Government to perform the functions of the competent authority under this Act, and different persons or authorities may be appointed to perform different functions;

(e) “dentist” means a dentist as defined under the Dentists Act, 1948 (Central Act 16 of 1948);

(f) “dentistry” shall have the meaning assigned to it under the Dentists Act, 1948 (Central Act 16 of 1948);

(g) “emergency” means the situation when the patient requires immediate medical assistance, which, if not provided promptly, may endanger his life or cause permanent damage;

(h) “Government” means the Government of Goa;

(i) “Government doctor” means a medical practitioner or a dentist who is in employment of the Government/Central Government or any Undertaking owned and controlled or managed by such Government;

(j) “inspecting authority” means the authority appointed by the competent authority for the purpose of this Act;

(k) “licence” means a licence granted under the provisions of this Act;

(l) “medicine” means modern scientific medicine in all its branches including surgery and obstetrics and includes the Ayurvedic, Unani, Homoeopathic and Siddha System of medicine, but not including Veterinary medicine and surgery;

(m) “medical practitioner” means a person who is qualified and engaged in the practice of modern scientific medicine in any of its branches including Surgery and Obstetrics and includes the Ayurvedic, Unani, Homoeopathic and Siddha System of medicine, but not including Veterinary medicine/surgery, and registered in the State of Goa under the law in force for the registration of medical practitioners;

(n) “medical treatment” means treatment in medicine or dentistry given by a qualified and registered medical practitioner or dentist;

(o) “Official Gazette” means the Government Gazette;

(p) “private doctor” means a medical practitioner or a dentist who is not a Government doctor;

(q) “prescribed” means prescribed by rules framed under the provisions of this Act;

(r) “register” means a register of medical practitioners prepared and maintained under this Act;

## Section 3

3. *Doctors to be licensed.*— On or after the appointed day, no doctor shall establish a clinic or hospital or



nursing home or practice medicine or dentistry in the State of Goa, except under and in accordance with the terms and conditions of a licence granted under the provisions of this Act and the rules made thereunder:

Provided that the doctor already having a clinic or hospital or nursing home or practicing medicine or dentistry immediately before the appointed day shall also apply for a licence to the competent authority in such form and manner and on payment of such fees as may be prescribed from time to time, within a period of one year from such day as may be notified by the Government in this behalf, and pending orders thereon, may continue to run such clinic or hospital or nursing home or practice medicine or dentistry subject to the provisions of this Act.

*Explanation.*— No Government doctor can apply for a licence nor shall he be entitled for such a licence under the provisions of this Act and the rules made thereunder for so long as he remains in Government service.

## Section 5

5. *Application for licence.*— Every private doctor desiring to establish, run or maintain a clinic or hospital or nursing home or practice medicine or dentistry in the State of Goa shall make an application to the competent authority in such form and manner and on payment of such fees as may be prescribed from time to time.

## Section 7

7. *Factors to be taken into account in disposing of application.*— In disposing of an application under section 6, the competent authority shall have regard to the following factors:—

(a) whether the private doctor is holding the qualifications prescribed by a statute or an enactment or allied laws in any system of medicine/dentistry recognized by the Government/Central Government and is registered with the Medical Council of India/Dental Council of India or the Goa Medical Council/Goa Dental Council or the Goa Board of Indian System of Medicine and Homoeopathy;

(b) whether the place where private practice is carried on is hygienically suitable and conforms to the minimum standards as prescribed under section 4;

(c) where the private doctor has more than one place of private practice, whether all such places conform to the norms as specified in clause (b) above;

(d) such other factors as may be prescribed.

## Section 13

13. *Inspections.*— (1) The competent authority or the inspecting authority may at any time, visit a private

doctor to verify as to whether the provisions of this Act and the conditions of the licence are being duly observed.

(2) If, as a result of such inspection, any defects or deficiencies are noted, the competent authority or the inspecting authority, as the case may be, may, by order, direct the private doctor to remedy the same within such time as may be specified in the order. Thereupon, the said doctor shall comply with every such direction and submit a compliance report to the competent authority, or the inspecting authority, as the case may be.

## Section 14

14. *Default.*— (1) If any private doctor willfully obstructs or prevents a free access for inspection, the competent authority, after receiving such information, and after giving the concerned person an opportunity of being heard, may, by order, impose a fine which may extend to rupees two thousand.

(2) The fine imposed shall be paid within a period of fifteen days from the date of the order referred to in sub-section (1). In case of non-payment of fine, the same shall be recovered as arrears of land revenue under the law for the time being in force.

(3) In case of defaults exceeding two in a year, the competent authority may suspend the licence for a maximum period of 90 days.

## Section 15

15. *Penalty.*— (1) Whoever contravenes any of the provisions of this Act or of the rules made thereunder or the terms and conditions of a licence, shall be liable, on conviction, to payment of fine of rupees five thousand for the first such offence, and fine of rupees ten thousand and/or imprisonment of six months for every subsequent offence.

(2) An offence under this Act shall be cognizable.

## Section 18

18. *Rules.*— (1) The Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the minimum standards referred to in section 4;

(b) the form and manner of application and fees under section 3 and 5;

(c) conditions subject to which licence may be granted under section 6;

(d) other factors to be taken into account under section 7;

(e) the form and manner of application and fees under section 10;

(f) the manner of preferring appeal and fees for appeal under section 12;

(g) any other matter required to be prescribed.

Assembly Hall,  
Porvorim-Goa.  
21st March, 2008.

R. KOTHANDARAMAN  
Secretary to the Legislative  
Assembly of Goa.

LA/LEGN/2008/3961

The following bill which was introduced in the Legislative Assembly of the State of Goa on 25th March, 2008 is hereby published for general information in pursuance of Rule - 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

### The Goa Public Health (Amendment) Bill, 2008

(BILL No. 13 of 2008)

A

BILL

*further to amend the Goa, Daman and Diu Public Health Act, 1985 ( Act 25 of 1985).*

Be it enacted by the Legislative Assembly of the State of Goa in the Fifty-ninth Year of Republic of India, as follows.—

1. *Short title and commencement.*— (1) This Act may be called the Goa Public Health (Amendment) Act, 2008.

(2) It shall come into force on such date as the Government may, by Notification in the Official Gazette, appoint.

2. *Amendment of section 3.*— In section 3 of the Goa, Daman and Diu Public Health Act, 1985 (Act 25 of 1985) (hereinafter referred to as the “principal Act”), —

(i) in sub-section (1), for clause (a) to (f) the following clauses shall be substituted, namely:—

- a) the Chief Secretary of Goa;
- b) the Secretary (Health);
- c) the Law Secretary;
- d) the Collector, North ( North Goa District);
- e) the Collector, South (South Goa District);
- f) the Principal Chief Engineer, PWD;
- g) the Superintendent of Police, North (North Goa District);
- h) the Superintendent of Police, South (South Goa District);
- i) the Director of Municipal Administration;
- j) the Director of Panchayats; and
- k) three persons having special knowledge of matters relating to Public Health or Public engineering.

(ii) in sub-section (3), for the expression “the Minister for Public Health”, the expression, “the Chief Secretary of Goa” shall be substituted.

3. *Amendment of section 29.*— In section 29 of the principal Act, in sub-section (2), after the expression “workshop”, the figures and expression, “massage parlour/SPAS(excluding therapeutic massage) or any other like service” shall be inserted.

4. *Insertion of new section.*— After section 50 of the principal Act, the following sections shall be inserted, namely:—

“50-A — *Restrictions to operate Ambulance van without permit.*— (1) Notwithstanding anything contained in section 50 of this Act, no person or occupier of Nursing Home, Clinic, Dispensaries, Pathological Laboratory, Blood Bank, Private Hospital, Health Care establishment including Veterinary Institution or any social, cultural or charitable organization or NGO shall provide or operate any ambulance van without obtaining any permit from the prescribed authority.

(2) Every owner or operator of an ambulance van shall make an application for grant of permit to operate an ambulance van in the State in such form and to such authority, as prescribed.

(3) Every application for grant of permit under sub-section (2) shall be accompanied by such fee and document as prescribed.

**50-B.— Grant of permit for operating an ambulance van.**— (1) On receipt of an application under sub-section (2) of section 50-A, the prescribed authority shall, after satisfying the fulfillment of requirement and conditions as prescribed, either grant or refuse to grant a permit for operating the ambulance van within a period of fifteen days from the date of receipt of the application complete in all respects and prescribed fee thereof.

(2) If any deficiency is noticed in the application, the prescribed authority shall in writing require the applicant to rectify the same within a period of seven days thereof. If the applicant fails to rectify the deficiency with the specified period, the application shall be refused.

Provided that no order of refusal shall be made unless—

(a) the applicant has been given a reasonable opportunity of being heard; and

(b) the grounds on which the permission is refused are mentioned in the order.

**50-C. — Validity of permit.**— (1) A permit granted to operate ambulance van to the applicant shall be valid for a period of five years subject to renewal and fulfillment of condition as prescribed.

(2) Every application for renewal of permit shall be made three months before expiry of period as specified in sub-section (1), accompanied by such renewal fee as prescribed.

(3) The prescribed authority shall renew the permit if the applicant has fulfilled the requirements as laid down under the rules.

(4) If the prescribed authority fails to pass any order within the specified period, the permit shall be deemed to be renewed for further period subject to terms and conditions as specified under the rules.

**50-D.— Power to detain ambulance van used without permit.**— (1) Any police officer or any other officer duly authorized by the Director of Health Services in this behalf, may, if he has reasons to believe that an ambulance van has been or is being used in contravention of the provisions of section 50-A or in contravention of the condition of such permit or other purpose for which ambulance van not to be used, seize and detain

the ambulance van in the prescribed manner and for this purpose, take and cause to be taken any steps he may consider necessary for the safe custody of the ambulance van:

Provided that where any such person has reasons to believe that the ambulance van has been or is being used in contravention of section 50A, he may instead of attaching ambulance van, seize the permit of the ambulance van and issue an acknowledgement certificate in respect thereof.

(2) Where an ambulance van or permit has been seized and detained under sub-section (1), the owner or a person in charge of ambulance van may apply to the Director of Health Services, or any officer authorized in this behalf by the Government, with the relevant documents for the release of the ambulance van or permit and such authority or officer may, after verifications of such documents, by order, release ambulance van or permit, as the case may be, subject to such conditions as the authority or officer may deemed fit to impose."

**50-E.6.— Penalty for operating ambulance van without permit.**— Whoever operates or causes or allows to operate an ambulance van in contravention of the provisions of section 50-A, shall be punishable with imprisonment which may extent to three months or with fine which may extent to Rs. 5000/-, or with both.—

**5. Amendment of section 76-F.**— In section 76-F of the principal Act,—

(iii) for the words and figures "Rs.1000/-", the words and figures, "Rs. 5000/-" shall be substituted.

(iv) for the expression "rupees two hundred", the expression "rupees five hundred" shall be substituted.

**6. Amendment of section 101.**— In section 101 of the principal Act,—

(i) in sub-section (1), for the words "two thousand rupees", the words "five thousand rupees" shall be substituted.

(ii) In sub-section (2), for the words, "fifty rupees", the words "two hundred rupees" shall be substituted.

### Statement of Objects and Reasons

It is proposed to amend section 3 of the Goa, Daman and Diu Public Health Act, 1985 (Act 25 of

1985) so as to include the Secretary for Public Health as a member of the Public Health Board and also provide that he shall be the President of the Public Health Board. Section 29 of the said Act, 1985, is proposed to be amended so as to provide that no massage parlour (excluding therapeutic massage) or any other like service shall be established without obtaining prior permission from the Director of Health Services with a view to curb illegal mushrooming of the massage parlours in this State. New sections 50 A to 50 E are proposed to be inserted in the said Act, 1985, so as to make it mandatory for every owner or occupier of Nursing Home, Clinic, Dispensaries, Pathological Laboratory, Blood Bank, Private Hospitals, Health Care Establishment including Veterinary Institution or any social, cultural or charitable organization or NGO to apply for and obtain a permit from the prescribed authority before providing or operating any ambulance van so that such ambulance vans operate only after fulfilling the prescribed requirements and conditions and shall be penalized if operating without permit.

Section 76 F of the Act, 1985, is proposed to be amended so as to increase the fine from Rs. 1000/- to Rs. 5000/- and further fine in case of continuing offence from Rs. 200/- to Rs. 500/- for contravening the provisions of sections 76 C, 76 D or 76 E and for disobeying any order or requisitions made under any of the aforesaid sections or for obstructing any officials of the Health Services.

Section 101 of the Act, 1985, is also proposed to be amended so as to increase the fine from Rs. 2000/- to Rs. 5000/- for offences specified in sub-section (1) thereof and increasing the fine from Rs. 50/- to Rs. 200/- for continuing offence as specified in sub-section (2) thereof.

This Bill seeks to achieve the above objects.

### **Financial Memorandum**

No financial implications are involved in this Bill.

### **Memorandum Regarding Delegated Legislation**

Proposed new section 50 A empowers the Government to frame rules so as to specify the authority which shall grant the permit for operating any ambulance van so also to specify the form of application for such permit and the fees and documents to accompany such application.

Proposed new section 50 B empowers the Government to frame rules to specify the requirements and conditions which have to be fulfilled by the applicant for grant of permit to operate any ambulance van.

Proposed new section 50 C empowers the Government to frame rules to specify the conditions which are required to be fulfilled by the applicant for renewal of permit and also to specify the fees for renewal of such permit and the terms and conditions subject to which the permit shall be renewed.

Proposed new section 50 E empowers the Government to frame rules to specify the manner in which an ambulance van which is being used without permit shall be seized or detained.

These delegations are of normal character.

Porvorim-Goa.  
21st March, 2008.

VISHWAJIT RANE,  
Minister for Health.

Assembly Hall,  
Porvorim-Goa.  
21st March, 2008.

(R. KOTHANDARAMAN)  
Secretary to the Legislative  
Assembly of Goa.

### **ANNEXURE**

**Extract of the sections 3, 29, 50, 76-F and 101 of the  
Goa, Daman and Diu Public Health Act, 1985  
(Act 25 of 1985)**

### **Section 3**

*3. Constitution of Public Health Board.—* (1) As soon as may be after the commencement of this Act, the Government shall cause to be constituted for the Union Territory of Goa, Daman and Diu, a Public Health Board consisting of the following members, namely:-

- (a) the Minister for Public Health;
- (b) the Director of Health Services;
- (c) Director of Municipal Administration;
- (cc) Director of Panchayats;
- (d) Collector;
- (e) Chief Town Planner;
- (f) three persons having special knowledge of matters relating to public health or public engineering.

(2) Members nominated under clause (f) of sub-section (1) shall hold office for a period of one year from the date of nomination but shall be eligible for re-nomination.

(3) The Minister for Public Health shall be the President of the Public Health Board and the Director of Health Services shall be its Secretary;

## Section 29

29. *Establishment of commercial, industry and other establishments and constructions.*— (1) No person shall construct any building, house, cess pool and any other structure unless prior permission to that effect is obtained from the Health Officer or the Medical Officer charge of the respective Health Centre, at the time of starting such construction and also at the time of actually occupying such constructed premises.

(2) No commercial or industrial establishments, warehouses, storehouses, factories, workshops or any other establishments of any kind, shall be established, without obtaining the prior permission from the Director.

(3) All such permissions issued shall be subject to the payment of such fees as may be notified by the Government from time to time.

## Section 50

50. *Provision of ambulances, etc.*— The Director shall,—

(a) provide and maintain suitable conveyances, with sufficient attendants and other requisites, for free carriage of persons suffering from any infectious diseases; and

(b) provide proper places and apparatus and establishment, for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection, and when any conveyances, clothing, bedding or articles are brought to any such place for disinfection may cause them, at its discretion, to be disinfected, either free of charge, or on payment of such fee as it may fix.

## Section 76-F

76F. *Penalties.*— Whoever, knowingly contravenes any provisions under sections 76C, 76D or 76E and disobeys any order or requisitions made under any of the aforesaid section or obstructs any official of the health services, shall on conviction, be punished with fine which may extent to Rs. 1000/- and in case of continuing offence with further fine which may extend to rupees two hundred for every day after the first conviction during which such contravention continues.

## Section 101

101. *Penalties for offences against Act, etc.*—

(1) Whoever—

(a) contravenes any of the provisions of this Act; or

(b) contravenes any rule or order made under any of the provisions so specified; or

(c) fails to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under or in pursuance of any of the provisions of this Act shall be punished with fine which may extend to two thousand rupees.

(2) Whoever after having convicted of—

(a) contravening any of the provisions of this Act; or

(b) contravening any rule or order made under any of the provisions so specified; or

(c) failing to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under or in pursuance of any of the provision continues to contravene the said provision or the said rule or order or continues to fail to comply with the said direction or requisition, shall be punished for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to fifty rupees.

Assembly Hall,  
Porvorim-Goa.  
21st March, 2008.

(R. KOTHANDARAMAN)  
Secretary to the Legislative  
Assembly of Goa.

LA/LEGN/2008/3982

The following bill which was introduced in the Legislative Assembly of the State of Goa on 26th March, 2008 is hereby published for general information in pursuance of Rule - 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

## The Goa Advocates' Welfare Fund (Amendment) Bill, 2008

(Bill No. 4 of 2008)

A

BILL

to amend the Goa Advocates' Welfare Fund Act, 1995.

Be it enacted by the Legislative Assembly of the State of Goa in the Fifty-ninth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Advocates' Welfare Fund (Amendment) Act, 2008.

(2) It shall come into force at once.

2. *Amendment of section 4.*— In section 4 of the Goa Advocates' Welfare Fund Act, 1995 (Goa Act No. 2 of 1997) (hereinafter referred to as the "principal Act"), in sub-section (1),—

(i) after clause (d), the following clause shall be inserted, namely:—

"(dd) One member of Bar Council elected from the State of Goa to be recommended by the said Council and whenever such member is not available, any other member of Bar Council recommended by the Bar Council.

(ii) for clause (f), the following clause shall be substituted, namely:—

"(f) The Under Secretary (Establishment) to the Government ex officio Secretary."

3. *Amendment of section 5.*— In section 5 of the principal Act,

(i) for the expression "clause (d) and (e)", the expression "clauses (d), (dd) and (e)" shall be substituted;

(ii) for the words "Bar Council", the expression "Bar Association or Bar Council, as the case may be", shall be substituted.

4. *Amendment of section 8.*— In section 8 of the principal Act,

(i) for the words "Bar Association", the expression "Bar Association or by the Bar Council" shall be substituted.

(ii) for the expression "clause (d) and (e)", the expression "clauses (d), (dd) and (e)" shall be substituted.

### Statement of Objects and Reasons

The Bill seeks to amend sub-section (1) of section 4 of the Goa Advocates' Welfare Fund Act, 1995 (Goa Act 2 of 1997) so as to allow the Bar Council of Maharashtra and Goa to recommend a person from the State of Goa who is elected on the said Council to be a member of

the Goa Advocates' Welfare Fund Board and whenever such person is not available, the said Council shall recommend any other elected person. Amendments to sections 5 and 8 are consequential in nature.

### Financial Memorandum

No financial implications are involved in this Bill.

### Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim-Goa. DAYANAND NARVEKAR  
25th March, 2008. Minister for Law, Judiciary and  
Legislative Affairs.

Assembly Hall, R. KOTHANDARAMAN  
Porvorim-Goa. Secretary to the Legislative  
25th March, 2008. Assembly of Goa.

### ANNEXURE

#### Extract of 4, 5 and 8 of the Goa Advocates Welfare Fund Act, 1995 (Goa Act 2 of 1997)

#### Section 4

4. *Constitution of Board.*— (1) There shall be a Board to be known as Goa Advocates Welfare Fund Board consisting of the following members namely:—

- |     |   |                            |
|-----|---|----------------------------|
| (a) | The Advocate-General,<br>Goa State  | Ex-Officio-<br>-Chairman.  |
| (b) | The Law Secretary to<br>the Government  | Ex-Officio.                |
| (c) | Finance Secretary to<br>Government or his nominee   | Ex-Officio.                |
| (d) | One representative from<br>each registered Bar<br>Association to be<br>recommended by the<br>Executive Council or<br>Managing Committee<br>of the Association concerned |                            |
| (e) | One member to be elected<br>from amongst the members<br>of the Board, who shall be<br>treasurer of the Board  |                            |
| (f) | The Under Secretary (Law)<br>to the Government  | Ex-Officio-<br>-Secretary. |

(2) The Board shall be a body corporate having perpetual succession and a common seal with power to acquire and hold property and shall by the said name, sue and be sued.

### Section 5

5. *Term of office of (nominated) members of Board.*— A person elected or recommended as a member of the Board under clause (d) and (e) of sub-section (1) of section 4 shall hold office for a period of four years or for the duration of his membership in the Bar Council, whichever is less.

### Section 8

8. *Filling up of casual vacancies.*— A casual vacancy in the office of a elected or recommended member occurring on account of death, resignation or removal of the member may be filled up, as soon as may be, by the Executive Council or managing committee of the concerned registered Bar Association as the case may be under clause (d) and (e) of sub-section (1) of section 4 and the person so elected or recommended as the case may be shall hold office so long as the member in whose place he is elected or recommended would have been entitled to hold office, if the vacancy had not occurred.

Assembly Hall,  
Porvorim, Goa.  
25th March, 2008.

R. KOTHANDARAMAN  
Secretary to the Legislative  
Assembly of Goa.

LA/LEGN/2008/4012

The following bill which was introduced in the Legislative Assembly of the State of Goa on 27th March, 2008 is hereby published for general information in pursuance of Rule - 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

## The Goa Appropriation (No. 2) Bill, 2008

(Bill No. 16 of 2008)

A

BILL

*to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Goa for the services and purposes of the financial year 2007-08.*

Be it enacted by the Legislative Assembly of Goa in the Fifty-ninth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Goa Appropriation (No. 2) Act, 2008.

2. *Issue of Rs. 142,39,42,000 out of the Consolidated Fund of the State of Goa for the financial year 2007-08.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule to this Act amounting in the aggregate to the sums of *One hundred forty two crores, thirty nine lakhs fourty two thousand rupees* towards defraying the several charges which will come in the course of payment during the financial year 2007-2008 in respect of the services and purposes specified in column (2) of the said Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Goa under this Act, shall be appropriated for the services and purposes expressed in the Schedule to this Act in relation to the said financial year.

### SCHEDULE

(See Sections 2 and 3)

(Rs. in lakhs)

Demand No.	Services and purposes	Sums not exceeding		Total
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	
(1)	(2)	(3)	(4)	(5)
A1	Raj Bhavan ( <i>Charged</i> )	—	10.94	10.94
02	General Administration and Coordination	196.12	—	196.12
04	District and Sessions Court, South Goa	16.00	3.12	19.12

(1)	(2)	(3)	(4)	(5)
13	Transport	5.00	—	5.00
14	Goa Sadan	14.00	—	14.00
21	Public Works	1648.57	12.45	1661.02
30	Small Savings and Lotteries	45.00	—	45.00
33	Revenue	55.82	—	55.82
34	School Education	825.92	—	825.92
35	Higher Education	497.00	—	497.00
37	Government Polytechnic, Panaji	26.50	—	26.50
38	Government Polytechnic, Bicholim	5.00	—	5.00
40	Goa College of Engineering	—	1.22	1.22
41	Goa Architecture College	—	1.70	1.70
42	Sports and Youth Affairs	453.90	—	453.90
43	Art and Culture	90.02	—	90.02
47	Goa Medical College	190.00	—	190.00
49	Institute of Psychiatry and Human Behaviour	9.50	—	9.50
52	Labour	51.00	—	51.00
56	Information and Publicity	250.00	—	250.00
57	Social Welfare	14.57	—	14.57
65	Animal Husbandry and Veterinary Services	67.00	—	67.00
66	Fisheries	2.00	—	2.00
68	Forests	68.47	—	68.47
70	Civil Supplies	4.00	—	4.00
71	Co-operation	39.99	—	39.99
74	Water Resources	145.00	8.22	153.22
76	Electricity	8466.64	6.25	8472.89
77	River Navigation	8.50	—	8.50
82	Information Technology	1000.00	—	1000.00
TOTAL		14195.52	43.90	14239.42

### Statement of Objects and Reasons

The Supplementary Demands for Grants for the year 2007-2008 (Second Batch) was presented to the Legislative Assembly on 24th March, 2008. This Bill is introduced in pursuance of Article 204 read with Article 205 of the Constitution of India to provide for appropriation of certain further sums from and out of the Consolidated Fund of the State of Goa, to meet the expenditure on certain services, granted by the Legislative Assembly for those services.

Porvorim,  
27th March, 2008.

DAYANAND G. NARVEKAR  
Finance Minister.

### Governor's Recommendation

The Governor has, in pursuance of Article 207 of the Constitution of India, recommended to the Legislative Assembly, the introduction and consideration of the Goa Appropriation Bill (No. 2), 2008.



LA/LEGN/2008/4013

The following bill which was introduced in the Legislative Assembly of the State of Goa on 27th March, 2008 is hereby published for general information in pursuance of Rule - 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Appropriation (Vote on Account)  
Bill, 2008

(Bill No. 19 of 2008)

A

BILL

*to provide for the withdrawal of certain further sums from and out of the Consolidated Fund of the State of Goa for the services and purposes of the financial year 2008-09.*

Be it enacted by the Legislative Assembly of Goa in the Fifty-ninth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Goa Appropriation (Vote on Account) Act, 2008.

2. *Withdrawal of Rs. 1952,61,10,000/- from and out of the Consolidated Fund of the State of Goa for the financial year 2008-09.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule to this Act amounting in the aggregate to the sums of *One thousand nine hundred fifty two crores sixty one lakhs and ten thousand rupees* towards defraying the several charges which will come in the course of payment during the financial year 2008-2009 in respect of the services and purposes specified in column (2) of the said Schedule.

3. *Appropriation.*— The sums authorised to be paid from and out of the Consolidated Fund of the State of Goa under this Act, shall be appropriated for the services and purposes expressed in the Schedule to this Act in relation to the said financial year.

SCHEDULE

(See Sections 2 and 3)

Demand No.	Services and purposes	(Rs. in lakhs)		
		Sums not exceeding		Total
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	
(1)	(2)	(3)	(4)	(5)
1	Legislature Secretariat	371.67	16.88	388.54
A1	Raj Bhavan ( <i>Charged</i> )	—	120.83	120.83
02	General Administration and Coordination	857.75	—	857.75
03	District and Sessions Court, North Goa	231.27	—	231.27
04	District and Sessions Court, South Goa	210.98	—	210.98
05	Prosecution	64.96	—	64.96
06	Election Office	103.69	—	103.69
07	Settlement and Land Records	369.67	—	369.67
08	Treasury and Accounts Administration, North Goa	12864.00	—	12864.00
09	Treasury and Accounts Administration, South Goa	60.73	—	60.73
A2	Debt Services ( <i>Charged</i> )	2791.35	32439.07	35230.42
10	Notary Services	133.21	—	133.21

(1)	(2)	(3)	(4)	(5)
11	Excise	186.46	—	186.46
12	Commercial Taxes	321.52	—	321.52
13	Transport	1169.00	—	1169.00
A3	Goa Public Service Commission (Charged)	—	46.46	46.46
14	Goa Sadan	59.58	—	59.58
15	Collectorate of North Goa	340.65	—	340.65
16	Collectorate of South Goa	661.56	—	661.56
17	Police	4467.02	—	4467.02
18	Jails	699.35	—	699.35
19	Industries, Trade and Commerce	901.65	—	901.65
20	Printing and Stationery	184.00	—	184.00
21	Public Works	25575.67	0.04	25575.71
22	Vigilance	30.65	—	30.65
23	Home	109.29	—	109.29
25	Home Guards and Civil Defence	110.88	—	110.88
26	Fire and Emergency Services	362.46	—	362.46
27	Official Language	57.68	—	57.68
28	Administrative Tribunal	21.88	—	21.88
29	Public Grievances	6.25	—	6.25
30	Small Savings and Lotteries	270.79	—	270.79
31	Panchayats	2636.60	—	2636.60
32	Finance	4917.92	—	4917.92
33	Revenue	242.92	—	242.92
34	School Education	14105.73	—	14105.73
35	Higher Education	2296.88	—	2296.88
36	Technical Education	294.58	—	294.58
37	Government Polytechnic, Panaji	272.38	—	272.38
38	Government Polytechnic, Bicholim	103.54	—	103.54
39	Government Polytechnic, Curchorem	62.08	—	62.08
40	Goa College of Engineering	863.90	—	863.90
41	Goa Architecture College	107.13	—	107.13
42	Sports & Youth Affairs	1126.65	—	1126.65
43	Art and Culture	1347.26	—	1347.26
44	Goa College of Art	64.19	—	64.19
45	Archives and Archaeology	647.50	—	647.50
46	Museums	61.15	—	61.15
47	Goa Medical College	3242.56	—	3242.56
48	Health Services	3718.12	—	3718.12

(1)	(2)	(3)	(4)	(5)
49	Institute of Psychiatry and Human Behaviour	277.88	—	277.88
50	Goa College of Pharmacy	117.58	—	117.58
51	Goa Dental College	295.21	—	295.21
52	Labour	395.94	—	395.94
53	Foods and Drugs Administration	87.94	—	87.94
54	Town and Country Planning	370.94	—	370.94
55	Municipal Administration	4947.08	—	4947.08
56	Information and Publicity	512.08	—	512.08
57	Social Welfare	5749.38	—	5749.38
58	Women and Child Development	965.08	—	965.08
59	Factories and Boilers	61.35	—	61.35
60	Employment	32.69	—	32.69
61	Craftsmen Training	845.21	—	845.21
62	Law	250.33	—	250.33
63	Rajya Sainik Board	12.49	—	12.49
64	Agriculture	1321.05	—	1321.05
65	Animal Husbandry and Veterinary Services	911.87	—	911.87
66	Fisheries	705.31	—	705.31
67	Ports Administration	376.61	—	376.61
68	Forests	774.33	—	774.33
70	Civil Supplies	1490.00	—	1490.00
71	Co-operation	624.24	—	624.24
72	Science, Technology and Environment	254.58	—	254.58
73	State Election Commission	36.00	—	36.00
74	Water Resources	9465.33	—	9465.33
75	Planning, Statistics and Evaluation	126.89	—	126.89
76	Electricity	37123.90	—	37123.90
77	River Navigation	575.42	—	575.42
78	Tourism	1599.21	—	1599.21
79	Goa Gazetteer	8.13	—	8.13
80	Legal Metrology	51.46	—	51.46
82	Information Technology	2500.00	—	2500.00
83	Mines	65.65	—	65.65
TOTAL.....		<b>162637.83</b>	<b>32623.28</b>	<b>195261.10</b>

### Statement of Objects and Reasons

This Bill is introduced in pursuance of Article 206 (1) of the Constitution of India to provide for the appropriation out of the Consolidated Fund of the State of Goa, of the moneys required to meet the expenditure charged on the Consolidated Fund of the State of Goa and the grants made in advance by the Goa Legislative Assembly in respect of the estimated expenditure of the Government of Goa for five months i.e. April to August, 2008.

Porvorim, DAYANAND G. NARVEKAR  
27th March, 2008. Finance Minister.

### Governor's Recommendation

The Governor has, in pursuance of Article 207 of the Constitution of India, recommended to the Legislative Assembly, the introduction and consideration of the Goa Appropriation (Vote on Account) Bill, 2008.

LA/LEGN/2008/4035

The following bill which was introduced in the Legislative Assembly of the State of Goa on 28th March, 2008 is hereby published for general information in pursuance of Rule - 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

### The Registration (Goa Amendment) Bill, 2008

(Bill No. 20 of 2008)

A

BILL

*further to amend the Registration Act, 1908 (16 of 1908), as in force in the State of Goa.*

Be it enacted by the Legislative Assembly of the State of Goa in the Fifty-ninth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Registration (Goa Amendment) Act, 2008.

(2) It shall come into force at once.

2. *Insertion of new section 22A.*— In the Registration Act, 1908 (16 of 1908), as in force in the State of Goa, after section 22, the following section shall be inserted, namely:—

“22A. *Registration of certain documents to be opposed to public policy.*— (1) The State Government may, by notification in the Official Gazette, declare that the registration of any document or any class of documents specified in such notification shall be opposed to public policy.

(2) The registering officer shall examine a document presented for registration is one to which a notification under sub-section (1) is applicable and shall take such evidence as may be produced by the parties and may also require them to produce all documents in their possession or custody which the registering officer considers relevant.

(3) Notwithstanding anything to the contrary contained elsewhere in the Act, the registering officer shall refuse to register any document or any class of documents to which a notification under sub-section (1) is applicable.”.

### Statement of Objects and Reasons

The existing provisions of the Registration Act, 1908 (Act 16 of 1908) (hereinafter referred to as the “said Act”), as in force in the State of Goa, do not empower the State Government to declare that the registration of any document or any class of documents to be opposed to public policy.

The Bill, therefore, seeks to insert a new section 22A in the said Act so as to empower the Government to declare, by notification in the Official Gazette, that the registration of any document or any class of documents specified in such notification shall be opposed to public policy.

The Bill also seeks to empower the registering officer to refuse registration of any document which is opposed to public policy in terms of notification issued by the Government in that regard.

This Bill seeks to achieve the above objects.

### Financial Memorandum

No financial implications are involved in this Bill.

**Memorandum Regarding Delegated  
Legislation**

This delegation is of normal character.

Clause 2 of the Bill empowers the Government to issue notification for declaring any document or any class of documents to be opposed to public policy.

Porvorim-Goa.  
27th March, 2008.

DAYANAND G. NARVEKAR  
Minister for Law, Judiciary  
and Legislative Affairs.

Assembly Hall,  
Porvorim-Goa.  
27th March, 2008.

R. KOTHANDARAMAN  
Secretary to the Legislative  
Assembly of Goa.